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# **Southeast Asia Report**

**VIETNAM**

**SRV CRIMINAL CODE**

**FBIS**

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SOUTH EAST ASIA REPORT  
VIETNAM  
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[Article: "The Criminal Code of the Socialist Republic of Vietnam"; a draft version of a portion of this code was published in JPRS-SEA-84-178, 26 Dec 84, pp 93-158.]

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[Text]

Preface

The 1980 Constitution of the Socialist Republic of Vietnam, which codified the lines and policies of the Vietnam Communist Party in the new stage of the revolution, states: "The state will manage society by laws and constantly strengthen the socialist system of law."

Within the system of law of the Socialist Republic of Vietnam, criminal law occupies a very important position. It is an effective tool used by the proletarian dictatorship state to protect the gains of the revolution, protect the socialist system, maintain national security and social order and safety, protect the lawful rights and interests of the citizen and struggle against and prevent every act of criminal behavior, thereby helping to complete the two strategic tasks of successfully building socialism and firmly defending the socialist Vietnamese fatherland.

This Code of Criminal Law, which incorporates and develops upon the criminal law of our state since the August Revolution, summarizes the experiences gained in the struggle to combat and prevent crime in our country over the past several decades and anticipates certain developments in the crime situation in the years ahead.

The Code of Criminal Law fully upholds the right of socialist collective ownership of our people led by the working class; reflects the spirit of taking the initiative in preventing and resolutely struggling against crime; reflects the policy of our party and state that criminals not only be punished, but also be reeducated into productive members of society; and reflects the spirit of socialist humanitarianism and confidence in the ability to transform persons under the socialist system.

Strictly complying with the Code of Criminal Law is the common duty of all state agencies and social organizations and all the people.

## General

### Chapter I

#### Basic Articles

##### Article 1

The task of the Code of Criminal Law.

The Code of Criminal Law has the task of protecting the socialist system, protecting the right of socialist collective ownership of the people, protecting the right of equality among nationalities, protecting the lawful rights and interests of the citizen, maintaining socialist law and order and combating every form of criminal behavior while teaching everyone the concept of obeying the law, of struggling against and preventing crime.

To fulfill this task, the Code of Criminal Law defines crimes and stipulates the penalties for criminals.

##### Article 2

The basis of criminal liability.

Criminal liability must be borne only by someone who has committed a crime stipulated in the Code of Criminal Law.

The penalty for a crime must be determined by the court.

##### Article 3

The principles of prosecution.

1. Every act of criminal behavior must be promptly discovered and prosecuted in a swift and just manner in exact accordance with the law.

2. Persons who are masterminds, leaders or commanders in criminal activity, diehard opposition elements, hoodlums, gangsters and repeat offenders, persons who become deviant or immoral and use their public position or authority to commit crime and persons who commit organized crimes or intentionally cause serious consequences must be harshly punished. Leniency should be shown to persons who come forward and confess to their crime, who provide full and truthful information on their crime, who report their accomplices to the authorities or who bring credit upon themselves by atoning for and repenting their crime, by voluntarily rectifying the wrong done or paying for the damages caused.

3. First-time offenders who have committed a less serious offense and repent their crime may be given a lesser form of penalty than imprisonment and turned



over to a state agency, social organization or family for supervision and education.

4. Persons sentenced to prison must serve their sentence in a detention camp, must work and reeducate themselves in order to become productive members of society. If they make much progress, the reduction of their penalty will be considered.

5. Persons who have completed their sentence must be provided with the conditions needed to earn a living and lead an honest life; when they meet the conditions stipulated by the law, their record of sentence will be expunged.

#### Article 4

The responsibility for struggling against and preventing crime.

1. Public security, inspection, court, judicial and control agencies have the responsibility of correctly performing their functions and tasks while guiding and assisting the other agencies of the state, social organizations and citizens in struggling against and preventing crime and in supervising and educating criminals.

2. The agencies of the state and social organizations have the tasks of heightening the revolutionary vigilance, the sense of protecting and obeying the law and respect for the rules of socialist life among the persons under their management through education and promptly taking measures to eradicate the causes of crime and the conditions that lead to crime within their agency or organization.

3. Each citizen has the obligation of actively struggling against and preventing crime.

### Chapter II

#### The Scope of Application of the Code of Criminal Law

#### Article 5

The scope of the Code of Criminal Law with regard to acts of criminal behavior within the territory of the Socialist Republic of Vietnam.

1. The Code of Criminal Law applies to each act of criminal behavior committed within the territory of the Socialist Republic of Vietnam.

2. The question of the criminal liability of foreigners outside the scope of criminal activity within the territory of the Socialist Republic of Vietnam who enjoy special diplomatic privileges or special rights and are granted territorial immunity under Vietnamese law, under international agreements to which the Socialist Republic of Vietnam is a signatory or recognizes or under international convention is resolved through diplomatic channels.

## Article 6

The scope of the Code of Criminal Law with regard to acts of criminal behavior outside the territory of the Socialist Republic of Vietnam.

1. A citizen of Vietnam who commits a crime outside the territory of the Socialist Republic of Vietnam may be investigated for criminal liability within Vietnam in accordance with this code of law.

This provision also applies to persons who are not citizens of the Socialist Republic of Vietnam but permanently reside within it.

2. Persons who are outside the scope of criminal activity outside the territory of the Socialist Republic of Vietnam may be investigated for criminal liability under Vietnamese criminal law in the cases defined within the international agreements to which the Socialist Republic of Vietnam is a signatory or recognizes.

## Article 7

The scope of the Code of Criminal Law in terms of time.

1. The articles of law that apply to an act of criminal behavior are the articles of law that were in effect at the time the act was committed.

2. The articles of law that define a new crime or a more severe penalty do not apply to an act of criminal behavior that was committed before these articles were promulgated, except in cases in which the law states otherwise.

3. The articles of law that repeal a crime or stipulate a lesser penalty do apply to acts of criminal behavior that were committed before these articles were promulgated.

## Chapter III

### Crime

## Article 8

The definition of crime.

1. Crime is an act dangerous to society, as stipulated in the Code of Criminal Law, that is committed, either consciously or unconsciously, by a person who is capable of criminal liability that violates the independence, sovereignty, unity or territorial integrity of the fatherland, violates the regulations of the socialist state, economic regulations or socialist ownership, violates the life, health, honor, dignity, freedom, property or other lawful rights and interests of a citizen or is a violation in the other fields of socialist law and order.

2. Serious crime is crime that causes major harm to society and for which the maximum penalty is 5 or more years in prison, life in prison or the death penalty.

The other crimes are defined as less serious crimes.

3. Types of behavior which, although they bear the characteristics of crime, do not pose a significant danger to society are not crimes and are dealt with by other measures.

#### Article 9

Intentional crime.

An intentional crime is a crime committed with the clear knowledge that one's behavior is socially dangerous, with foreknowledge of the consequences of this behavior and with the desire or conscious intention to cause these consequences to occur.

#### Article 10

Unconscious crime.

Unconscious crime is a crime committed in one of the following cases:

a) When the perpetrator, because of negligence, does not foresee the possibility of causing harmful consequences to society, even though these consequences could and should have been foreseen.

b) When the perpetrator, although realizing that his behavior might cause harmful consequences to society, believes that these consequences will not occur or can be prevented.

#### Article 11

Unexpected event.

A person who commits an act of socially dangerous behavior as a result of an unexpected event, that is, in a case of not foreseeing or not being compelled to foresee the consequences of this action, is not criminally liable.

#### Article 12

The state of not being able to assume criminal liability.

1. Persons who commit an act of socially dangerous behavior while afflicted with a mental illness or other illness that makes them unconscious of or unable to control their behavior are not criminally liable. Compulsory medical treatment is the measure applied to these persons.

2. Compulsory medical treatment is also the measure that is applied to persons who commit a crime while capable of being held criminally liable but

who fall into the state defined in Paragraph 1 of this article before being sentenced. After being cured of their illness, they may have to assume criminal liability.

3. Criminal liability is not waived for persons who commit a crime as a result of being intoxicated or using another strong stimulant.

#### Article 13

Legitimate self-defense.

1. Legitimate self-defense is an action taken by a person to protect the interests of the state or collective or protect the legitimate interests of oneself or another person by appropriately retaliating against the person who is in the act of violating these interests. Legitimate self-defense is not a crime.

2. If the act of retaliation is clearly excessive, that is, if it exceeds the bounds of legitimate self-defense, the person who takes this action must be held criminally liable.

#### Article 14

An urgent situation.

1. An urgent situation is a situation in which a person, in order to avoid a danger that poses a real threat to the interests of the state or collective or the legitimate interests of oneself or another person, has no other choice but to commit an act that causes less damage than the damage that must be prevented. Causing damage in an urgent situation is not a crime.

2. If the damage caused is clearly excessive, that is, if it exceeds the need of the urgent situation, the person who commits this act must be held criminally liable.

#### Article 15

Preparing for the commission of a crime and failure to complete the commission of a crime.

1. Preparing for the commission of a crime is to look for and make ready tools and means or create other conditions needed to commit a crime.

Anyone who prepares for the commission of a crime is criminally liable.

2. Failure to complete the commission of a crime is having the intention to commit a crime but failing to fully carry it out because of reasons external to the intentions of the perpetrator.

3. The penalties for the act of preparing for the commission of a crime and the act of failing to complete the commission of a crime are determined in accordance with the applicable articles of this code of law depending upon the



nature of the act, the degree of danger posed by it to society, the extent to which the intention to commit crime was carried out and the other circumstances of the situation that prevented the perpetrator from completing the commission of the crime.

#### Article 16

Voluntary decision to not complete the commission of a crime.

Voluntary decision to not complete the commission of a crime is to decide on one's own not to complete the commission of a crime although nothing else prevents the commission of this crime from being completed. Anyone who voluntarily decides not to complete the commission of a crime is not held criminally liable for the intended crime. If the actions actually taken by this person constitute all the factors of another crime, this person must be held criminally liable for this crime.

#### Article 17

Complicity in crime.

1. Two or more persons who intentionally commit the same crime are accomplices.

2. The perpetrator, the organizer, the instigator and the accessory are all accomplices.

The perpetrator is the person who personally commits the crime.

The organizer is the person who masterminds, leads or commands the commission of the crime.

The instigator is the person who incites, entices into or urges others to carry out the commission of the crime.

The accessory is the person who creates psychological or material conditions for the commission of the crime.

3. An organized crime is a form of complicity in which there is close collaboration among persons committing the same crime.

4. When determining penalty, the nature of the complicity and the nature and extent of participation in the crime by each accomplice must be taken into consideration.

Circumstances that aggravate, mitigate or remove the specific criminal liability of a person apply only to that person.

#### Article 18

The concealment of a crime.



Anyone who after learning of the commission of a crime, but without previously agreeing to, conceals the identity of the person who committed the crime, conceals the signs or evidence of a crime or takes other action to impede the discovery, investigation or prosecution of a person who committed a crime is criminally liable for the crime of concealing a crime as defined under the cases stipulated in this code.

#### Article 19

Failure to report a crime.

Anyone who has clear knowledge that preparations are being made for the commission of a crime or that a crime is being or has been committed but does not report this knowledge to the authorities is criminally liable for the crime of failing to report a crime as defined under the cases stipulated in this code.

### Chapter IV

#### Penalties

#### Article 20

The purposes of punishment.

Punishment not only has the purpose of punishing the criminal, but also the purpose of reeducating the criminal so that this person becomes a productive member of society and learns the concept of obeying the laws and rules of socialist life and the purpose of preventing this person from committing another crime. Punishment also has the purpose of teaching others to respect the law, to struggle against and prevent crime.

#### Article 21

The penalties.

1. Only one of the following primary penalties may be applied to a criminal:

--A warning;

--A fine;

--Reeducation without detention, reeducation within a disciplinary unit of the army;

--A prison term for a specific number of years;

--Life in prison;

---The death penalty.

2. The primary penalty may be accompanied by one or many of the following supplemental penalties:

--Being prohibited from holding certain public positions, working in certain occupations or holding certain jobs;

--Denial of residence;

--Probation;

--Loss of some citizenship rights;

--Loss of military rank;

--Confiscation of property;

--A fine, when not applied as the primary penalty.

#### Article 22

A warning.

A warning is applied to a person who has committed a less serious crime in a case in which there are many mitigating circumstances but not so many that this person is exempt from penalty.

#### Article 23

A fine.

A fine is applied to persons who commit crimes in the nature of crimes committed for commercial gain, crimes in which money is the means by which the crime is committed or in other cases stipulated by the law.

A fine may only be applied as the primary penalty in cases stipulated by an article of law.

The size of a fine is determined on the basis of the seriousness of the crime committed; at the same time, the assets of the person who committed the crime must be taken into consideration.

#### Article 24

Reeducation without detention.

1. Reeducation without detention is applied for a period of from 6 months to 2 years to persons who commit less serious crimes.

If a person convicted of a crime has been temporarily detained, the amount of time spent in temporary detention is deducted from the length of the sentence to reeducation without detention at the rate of 1 day in temporary detention being the equivalent of 3 days in reeducation without detention.

2. The court entrusts a person sentenced to reeducation without detention to a state agency or social organization at the place where this person works or permanently resides for supervision and education.

3. Persons receiving this sentence must fulfill a number of obligations in accordance with the regulations on reeducation without detention and may have a portion of their income, from 5 to 20 percent, withheld to supplement state funds.

4. When, in cases in which the law stipulates the penalty as reeducation without detention, the person committing the crime is on active duty within the military, the penalty that applies is reeducation within a disciplinary unit of the army as stipulated in Article 70.

#### Article 25

Imprisonment for a specific number of years.

Imprisonment for a specific number of years is the penalty of incarcerating a person convicted of a crime for a period ranging from 3 months to 20 years.

The amount of time spent in temporary detention is deducted from the length of the prison sentence.

#### Article 26

Life in prison.

Life in prison is the penalty of an indefinite amount of time in prison and is applied to criminals in especially serious cases, but not serious enough to require the death penalty.

The penalty of life in prison is not applicable to minors who commit crime.

#### Article 27

The death penalty.

The death penalty is a special penalty applied to criminals in especially serious cases.

The death penalty is not applicable to minors who commit crime or to women known to be pregnant when they commit a crime or when they are being prosecuted. Enforcement of the death penalty is delayed for women who are pregnant and women who are raising a child less than 12 months of age.

In cases in which a person sentenced to death receives a reduction in sentence, the sentence is reduced to life in prison.

Only in special cases specifically stipulated by the law is the death penalty carried out immediately after the trial.

## Article 28

Being prohibited from holding certain public positions, working in certain occupations or holding certain jobs.

The penalty of being prohibited from holding certain public positions, working in certain occupations or holding certain jobs is applied when it is deemed that the convicted person might cause harm to society if allowed to hold these public positions, work in these occupations or hold these jobs.

The period of prohibition is from 2 to 5 years from the date of completion of the term in prison or from the date that the sentence is legally effective if this is the primary penalty.

## Article 29

Denial of residence.

Denial of residence is forcing a convicted person not to temporarily or permanently reside within a certain number of localities.

The period of denial of residence is from 1 year to 5 years from the date of completion of the prison sentence.

## Article 30

Probation.

Probation is forcing a convicted person to reside, earn a living within and undergo reeducation within a certain locality under the control and education of the local government and people. During the period of probation, the convicted person may not leave his place of residence of his own accord, is stripped of a number of citizenship rights in accordance with Article 31 and is prohibited from working in certain occupations or holding certain jobs.

Probation is applied to persons who commit crimes against national security, persons who commit a dangerous repeat offense or in other cases stipulated by the law.

The period of probation is from 1 year to 5 years from the date of completion of the prison sentence.

## Article 31

Deprivation of some rights of citizenship.

Citizens of Vietnam who commit especially dangerous crimes against national security or other crimes in cases stipulated by this code of law will or may be deprived of the following rights of citizenship:

--The right to elect representatives to the agencies of state power;

--The right to work at state agencies and the right to serve in the people's armed forces;

--The right to hold positions of responsibility within social organizations.

The period of deprivation of some rights of citizenship is from 1 year to 5 years from the date of completion of the prison sentence.

#### Article 32

Confiscation of property.

Confiscation of property is the taking of property of the person convicted of a crime and the depositing of this property in state funds. Confiscation of property only applies to persons convicted of serious crimes in the cases stipulated by this code of law.

All or part of a person's property may be confiscated. When all of this property is confiscated, convicted persons and their families still retain possession of the property they need to live.

### Chapter V

#### Judicial Measures

#### Article 33

Confiscation of materials and money directly related to a crime.

1. The court may decide to confiscate and deposit in state funds:

- a) Materials and money used by the criminal in the commission of the crime;
- b) Materials and money of another person if this person made the mistake of allowing the criminal to use them in the commission of the crime;
- c) Materials and money acquired by the criminal through the commission of the crime or as a result of buying, selling or trading these items;
- d) Types of material and currency, the storage, use and circulation of which are prohibited by the state.

2. Materials and money that are under socialist ownership or are the property of another person that are illegally taken or used by the criminal are not confiscated but returned to their owner or lawful manager.

#### Article 34

The return of property and the repair of or payment for damages; compulsory public apology.



1. The person who commits a crime must return all the property and money taken to the owner or lawful manager and must repair or pay for the material damages determined to have been caused by the commission of the crime.

2. In cases of less serious crimes in which psychological injury is caused, the court may compel the person who committed the crime to make a public apology to the injured party.

#### Article 35

##### Compulsory medical treatment.

1. With regard to persons who commit an act that poses a danger to society while afflicted with the illnesses stipulated in Paragraph 1, Article 12, the organ of control or the court may, depending upon the stage of prosecution and on the basis of the conclusion reached by the Legal-Medical Certification Council, decide to commit them to a specialized medical treatment facility for compulsory medical treatment.

If it is not deemed necessary to commit a person to a specialized medical treatment facility, this person may be entrusted to a family or guardian for care under the supervision of an authorized state agency.

2. As regards persons who commit a crime at a time when they are capable of being held criminally liable but who, before being convicted of this crime, become so ill that they lose their awareness of or ability to control their behavior, the court may, on the basis of the conclusion reached by the Legal-Medical Certification Council decide to commit them to a specialized medical treatment facility for compulsory medical treatment. When cured, this person may be held criminally liable.

3. As regards person who, while serving their sentence, become so ill that they lose their awareness of or ability to control their behavior, the court may, on the basis of the conclusion reached by the Legal-Medical Certification Council, decide to commit them to a specialized treatment facility for compulsory medical treatment. When cured, these persons must continue to serve their sentence, provided that there are no other reasons for waiving the completion of the sentence.

#### Article 36

##### The length of compulsory medical treatment.

On the basis of the conclusion reached by the medical treatment facility, the organ of control or the court may examine the case of a person committed for compulsory treatment of an illness defined in Article 35 who has recovered or whose state of health has improved and decide to terminate the enforcement of this measure.

The amount of time spent in compulsory medical treatment is deducted from the prison sentence.

## Chapter VI

### The Determination of Penalty, Waiver of Penalty and Reduction of Penalty

#### Article 37

The principles underlying the determination of penalty.

When determining penalty the court, on the basis of the provisions of this code of law, considers the nature and degree of danger of the criminal behavior, the character of the person who committed the crime and mitigating or aggravating circumstances that reduce or increase criminal liability.

#### Article 38

Mitigating circumstance.

1. The following circumstances are considered mitigating circumstances:

- a) If the person who committed the crime prevented or reduced the harm caused by the crime or voluntarily repairs or pays for the damages;
- b) If the crime is committed in a case that exceeds the bounds of legitimate self-defense, exceeds the need of an urgent situation or as a result of being overwrought due to behavior of another person that violates the law;
- c) If the crime is committed as a result of especially difficult circumstances not caused by the person who commits the crime;
- d) If the crime does not cause damage or major damage; if it is a first time offense and a less serious case;
- e) If the crime is committed as a result of being threatened, coerced or controlled materially, on the job or in some other way by another person;
- f) If the person who commits the crime is a pregnant woman, an elderly person or a person whose awareness of or ability to control their behavior are diminished by illness;
- g) If the crime is committed as a result of obsolete standards or substandard professional qualification;
- h) If the person who commits the crime confesses, gives a full and honest statement, atones for and repents the crime or actively assists responsible agencies in uncovering and investigating the crime.

2. When determining penalty the court may consider other circumstances as mitigating circumstances but must record these circumstances in its judgement.

3. When there are many mitigating circumstances, the court may decide upon a penalty that is below the lowest level stipulated by the law or another

penalty that is of the less severe type. The reason for this reduction in the severity of penalty must be recorded within the judgement.

#### Article 39

##### Aggravating circumstances.

1. Only the following circumstances are considered aggravating circumstances:

a) If the crime is organized, if a minor is induced into committing the crime;

b) When the crime is committed to profit from a war, a natural disaster or other special difficulties of society;

c) When the crime is committed while serving a sentence for another crime;

d) When guile, cruelty or means that endanger many persons are employed in the commission of the crime;

e) When the crime is committed against a child, a pregnant woman, an elderly person, a person unable to defend himself or a person who is dependent upon the perpetrator materially, on the job or in some other way;

f) When the crime is committed for base motives; when the crime is willfully carried out to its conclusion;

g) When the crime causes serious consequences;

h) When the crime is committed many times, is a repeat offense or is a dangerous repeat offense;

i) When, after the commission of the crime, guile is employed or an act of violence is committed with the intent to conceal the crime or escape.

2. Circumstances that are factors in the definition of a crime or in the definition of the range of penalties for a crime are not considered aggravating circumstances.

#### Article 40

##### Repeat offenses and dangerous repeat offenses.

1. The following cases are considered a repeat offense:

a) If a person who served a prison sentence for an intentional crime commits, before the record of this sentence is expunged, a serious unintentional crime or a less serious intentional crime;

b) If a person who served a prison sentence for a serious unintentional crime commits, before the record of this sentence is expunged, another serious unintentional crime or an intentional crime.

2. The following cases are considered to be a dangerous repeat offense:

- a) If a person who served a prison sentence for an intentional serious crime commits, before the record of this sentence is expunged, another serious intentional crime;
- b) If a repeat offender commits, before the record of the sentence is expunged, a less serious intentional crime or a serious crime.

#### Article 41

Determining penalty in cases involving the commission of many crimes.

When holding a single trial for a person who has committed many crimes, the court may determine a penalty for each crime and then determine a common penalty for all of the crimes committed. The common penalty may not exceed the upper limit of the range of penalties stipulated by the law for the most serious case of the crime committed and must lie within the scope of the type of penalty declared.

#### Article 42

Combining the penalties of many sentences.

1. In a case in which one person who is serving a sentence is tried for a crime committed before this sentence was imposed, the court will determine the penalty for the crime for which the person is being tried and then decide a common penalty. The common penalty may not exceed the upper limit of the range of penalties stipulated by the law for the most serious case of the crime committed and must lie within the scope of the type of penalty declared.

The amount of time spent serving the previous sentence is deducted from the length of the common penalty.

2. When trying a person who commits a new crime while serving a sentence for a previous crime, the court will decide the penalty for the new crime, add it to the unserved portion of the previous sentence and then decide a common penalty. The common penalty may not exceed the upper limit stipulated by the law for the type of penalty declared.

#### Article 43

Combining penalties of different types.

The following provisions apply to the combining of penalties as described in Article 41 and Article 42 if these penalties are of different types:

1. In the case of primary penalties, if the highest penalty declared is the death penalty, life in prison or 20 years in prison, this penalty becomes the common penalty.



If the various penalties declared include reeducation without detention or reeducation within a disciplinary unit of the army and a prison term, the penalties of reeducation without detention and reeducation within a disciplinary unit of the army are converted into a prison term for determination of the common penalty. This conversion is made at the rate of 1 day of reeducation without detention or 1 day of reeducation within a disciplinary unit of the army being equal to 1 day in prison.

2. In the case of supplemental penalties, the court will determine a common penalty within the limit stipulated by the law for each type penalty.

3. Fines may not be combined with other penalties. Fines are added together and become a penalty that must be paid.

#### Article 44

##### Suspended sentence.

1. When handing down a sentence not exceeding 5 years in prison, the court, on the basis of the character of the person who committed the crime and mitigating circumstances and if it deems it unnecessary to enforce the prison sentence, may impose a suspended sentence and set parole at from 1 to 5 years.

2. The court will entrust a person who receives a suspended sentence to an agency of the state or social organization at the place where this person works or permanently resides for the purposes of observation and education.

3. A person who receives a suspended sentence may be subject to a number of supplemental penalties such as a fine or being prohibited from holding certain public positions, working in certain occupations or holding certain jobs as stipulated in Article 23 and Article 28.

4. If a person who received a suspended sentence has completed one-half of his parole and made much progress, the court may, at the suggestion of the agency or organization responsible for observing and educating this person, reduce the length of his parole.

5. If, while on parole, a person who received a suspended sentence commits a new crime and is sentenced to prison, the court will decide to enforce the previous prison sentence and combine it with the penalty for the new sentence in accordance with the provisions of Paragraph 2, Article 42.

#### Article 45

##### The statutes of limitation on investigation of criminal liability.

1. Criminal liability may not be investigated if the following amounts of time have elapsed since the commission of the crime:

a) 5 years for less serious crimes for which the penalties stipulated by this code of law are 2 years in prison or less or a lesser penalty;



b) 10 years for less serious crimes for which the penalty stipulated by this code is more than 2 years in prison;

c) 15 years for serious crimes.

If, within the periods of time mentioned above, the criminal commits a new crime for which the penalty stipulated by this code is 1 or more years in prison, the amount of time that has elapsed since the commission of the first crime is not counted and the statute of limitation for this crime is calculated from the date that the new crime was committed.

If, within the periods of time mentioned above, the criminal is intentionally evading arrest and an order to search for this person has been issued, the amount of time spent by this person in evading arrest is not counted; the statute of limitation is calculated from the time that this person confesses or is arrested.

2. In cases set forth in Point c, Paragraph 1 of this article, if special reasons exist, the Supreme People's Organ of Control may continue to investigate criminal liability and the Supreme People's Court may decide not to apply the statute of limitation.

#### Article 46

The statutes of limitation on enforcement of a sentence.

1. A convicted person may not be forced to comply with a sentence if the following amounts of time have elapsed since the date that the sentence became effective:

a) 5 years in cases in which the sentence is 5 years or less in prison;

b) 10 years in cases in which the sentence is from 5 to 15 years in prison;

c) 15 years in cases in which the sentence is from more than 15 years to 20 years in prison.

If, within the periods of time mentioned above, the convicted person commits a new crime and is sentenced to prison, the amount of time that has elapsed since the commission of the first crime is not counted and the statute of limitation is calculated from the date that the new crime was committed.

If, within the periods of time mentioned above, the convicted person intentionally evades arrest and an order to search for this person has been issued, the amount of time spent evading arrest is not counted; the statute of limitation is recalculated from the date that this person presents himself to the authorities or is arrested.

2. If, in the cases set forth in Points a and b, Paragraph 1 of this article, the person has been convicted of an especially dangerous crime against national security, and if, in the cases set forth in Point c, Paragraph 1 of this article, regardless of the crime, a special reason exists, the Supreme

People's Court, on the basis of the conclusion reached by the Supreme People's Organ of Control, may decide not to apply the statute of limitation.

3. The application of the statutes of limitation to cases in which the sentence is life in prison or the death penalty will, once a period of 15 years has elapsed, be decided by the Supreme People's Court on the basis of the conclusion reached by the Supreme People's Organ of Control. In cases in which the statutes of limitation are not applied, the death penalty will be commuted to life in prison and life in prison will be commuted to 20 years in prison.

#### Article 47

Exclusions to the statutes of limitation.

The statutes of limitation stipulated in Article 45 and Article 46 do not apply to crimes stipulated in Chapter XII of the portion of this code entitled "Criminal Offenses."

#### Article 48

Waiver of criminal liability and waiver of penalty.

1. The criminal liability of a person who has committed a crime may be waived if, when this crime is being investigated or prosecuted, this crime or the person who committed it no longer pose a danger to society as a result of changes in the situation.

Criminal liability may also be waived if, before an act of criminal behavior is discovered, the person who committed it confesses and gives a clear statement of the details of the crime, thereby effectively contributing to the discovery and investigation of this crime, and makes an effort to limit the consequences of the crime committed to the lowest possible level.

2. The penalty for a person who has committed a crime may be waived in cases involving many mitigating circumstances as defined in Article 38 or cases which are deserving of special clemency but do not qualify for the waiver of criminal liability.

#### Article 49

Reduction in the length of a primary penalty.

1. The court may, at the suggestion of the state agency or social organization directly responsible for supervising the enforcement of the penalty of a person sentenced to reeducation without detention, reeducation within a disciplinary unit of the army or a prison term, decide to reduce the length of this person's sentence if this person has completed a certain portion of this sentence and has exhibited determination to reeducate himself.

The amount of time that must be served in a sentence in order for a reduction of sentence to be considered for the first time is one-third for penalties from 20 down to 10 years and a penalty of life in prison.

2. A person may have his sentence reduced many times but must serve an actual sentence equal to one-half the length of the declared sentence. As regards a person sentenced to life in prison, the first reduction in sentence is to 20 years in prison but this person must serve a minimum of 15 years in prison regardless of how many times his sentence is reduced.

#### Article 50

Reduction in the length of supplemental penalties.

The court may, at the suggestion of the local government, waive the remaining portion of the sentence of a person whose sentence is denial of residence or probation if this person has completed one-half of this sentence and made much progress.

#### Article 51

Reduction in the length of sentence and waiver of sentence in special cases.

1. In the case of a person convicted of a crime in which there is a reason that this person is deserving of additional leniency, such as having brought credit upon himself, being elderly and of frail health or having contracted a grave illness, the court may consider reducing the sentence by a greater amount of time or to a greater degree than the amount of time and degree stipulated in Article 49 and Article 50.

2. In the case of a person convicted of a crime who brings significant credit upon himself or contracts a grave illness before the penalty is enforced and if this person no longer poses a danger to society, the court may, at the suggestion of the organ of control, waive the entire penalty.

3. In the case of a person who has had his sentence partially reduced but then commits a new, serious crime, the court may only consider reducing this person's sentence after this person has completed two-thirds of the combined penalty or 15 years if the penalty is life in prison.

#### Article 52

The expunging of record of sentence.

A person convicted of a crime may have the record of his sentence expunged in accordance with the provisions of Articles 53 to 56. A person whose sentence is expunged is considered as not having a criminal record and is issued a certificate.

#### Article 53

The automatic expunging of the record of a sentence.

The record of sentences handed down to the following persons is automatically expunged:

1. A person whose penalty is waived;
2. A person who received a suspended sentence and did not commit a new crime while on parole;
3. A person not convicted of an especially serious crime against national security or a crime stipulated in Chapter XII of the "Criminal Offenses" portion of this code if, from the time of completing his sentence or from the time that the statute of limitation on the enforcement of the sentence became effective, this person did not commit a new crime within the following periods:
  - a) A period of 3 years in cases in which the penalty was a warning, a fine, reeducation without detention or reeducation within a disciplinary unit of the army;
  - b) A period of 5 years in cases in which the penalty was a sentence of up to 5 years in prison.

#### Article 54

The expunging of the record of a sentence by court decision.

1. On the basis of the nature of the crime committed and the character, attitude toward compliance with policies and the law and the attitude toward work of the person sentenced for the crime, the record of sentence is expunged by court decision in the following cases:

- a) If the person was sentenced to a term of up to 5 years in prison for an especially dangerous crime against national security but does not commit a new crime within the space of 5 years from the date of completion of his sentence or from the date that the statute of limitation on the enforcement of this sentence went into effect;
- b) If the person was sentenced to a term of up to 5 years for any crime but does not commit a new crime within the space of 10 years from the date of completion of his sentence or from the date that the statute of limitation on the enforcement of this sentence went into effect.

2. A person whose first application to have his record of sentence expunged is rejected by the court must wait 1 year before again requesting that the record of his sentence be expunged. If two or more such applications are rejected, this person must wait for 2 years before again requesting that the record of his sentence be expunged.

#### Article 55

The expunging of the record of sentence in special cases.



In cases in which a person sentenced for a crime gives clear indications of having made progress and has brought credit upon himself and at the suggestion of the state agency or social organization, the court may expunge the record of his sentence if this person has completed from one-third to one-half of the stipulated sentence.

#### Article 56

The method of calculating time for the expunging of the record of a sentence.

1. The time periods that apply to the expunging of a record of a sentence stipulated in Article 53 and Article 54 are based on the primary penalty handed down in the case.
2. The completion of a sentence includes the completion of the primary penalty, supplemental penalties and the other decisions contained within the sentence.
3. Persons who have the balance of their penalty waived are also considered to have completed their sentence.
4. If a new crime is committed before the record of the previous sentence is expunged, the time period for expunging the record of the previous sentence is calculated from the date of completion of the new sentence.

### Chapter VII

#### The Provisions Concerning Minors Who Commit Crime

#### Article 57

The application of the Code of Criminal Law to minors who commit crime.

Minors who commit crime must assume criminal liability in accordance with the provisions of this chapter and, at the same time, in accordance with the provisions of the "General" section of this code that do not conflict with the provisions of this chapter.

#### Article 58

The age of criminal liability.

1. Persons who are over 14 years of age but not yet 16 years of age must assume criminal liability for serious crimes they intentionally commit.
2. Persons who are 16 years of age or older must assume criminal liability for each crime they commit.

#### Article 59

The basic principles that apply to the prosecution of acts of criminal behavior by minors.



1. The primary purposes of prosecuting acts of criminal behavior by minors are to educate and help them rectify their mistake, develop in a wholesome manner and become productive citizens of society.

In each case involving the investigation, prosecution and trial of an act of criminal behavior by minors, the authorized state agencies must determine the ability of the minors to understand the socially dangerous nature of their criminal behavior and the causes and the conditions that led to the crime.

2. The primary measures applied by the organ of control and the court to minors who commit crime are educational and preventive; the family, the school and society have the responsibility of actively participating in the implementation of these measures.

3. The organ of control may decide to not pursue investigation of criminal liability of a minor who has committed a crime in cases in which the crime committed is a less serious crime, major damage was not caused and there are many mitigating circumstances and if the family or a social organization accepts the responsibility for supervising and educating the minor.

A minor who commits a crime is only to be tried and a penalty is only to be applied in necessary cases based on the seriousness of the crime, the character traits of the minor and the requirements of prevention.

4. The death penalty and the penalty of life in prison are not applied to minors who commit a crime. When sentencing a minor to a prison term, the court will give the minor a lesser sentence than given to an adult.

Minors who commit a crime must be incarcerated separately.

Fines and supplemental penalties are not applied to minors who commit a crime.

5. A sentence imposed upon a person less than 16 years of age who has committed a crime is not to be considered when determining whether another crime is a repeat offense or a dangerous repeat offense.

#### Article 60

The judicial and penal measures applied to minors who commit a crime.

1. The judicial measures of an educational and preventive nature that may be taken by the court consist of:

--Parole;

--Assignment to an improvement school.

2. The penal measures consist of:

--A warning;

--Reeducation without detention;

--A prison term.

#### Article 61

##### Parole.

1. The court may decide to sentence a minor who has committed a less serious crime to parole for a period of from 1 year to 2 years.
2. The person on parole must fulfill the obligations regarding study and work, comply with social discipline and obey the law under the supervision and education of the basic level government and the social organization assigned this responsibility by the court.
3. If the person placed on parole has completed one-half of the parole sentence decided by the court and has exhibited much progress, the court may, at the suggestion of the organization that was assigned the responsibility of supervising and educating this minor, decide to terminate the parole.

#### Article 62

##### Assignment to an improvement school.

1. The court may decide to send a minor who has committed a serious crime to an improvement school if it feels that the seriousness of the crime committed, the character of the minor and the environment in which the minor lives warrant sending the minor to an educational organization at which strict discipline is practiced.
2. The amount of time to be spent at an improvement school is from 1 year to 3 years.

If a minor who committed a crime has completed one-half of the time required by the court at an improvement school and has exhibited much progress, the court may, at the suggestion of the person in charge of the school, decide to terminate the minor's stay at the improvement school.

#### Article 63

##### Reeducation without detention.

When applying the penalty of reeducation without detention to a minor who has committed a crime, no deductions are made from the minor's income.

#### Article 64

##### A prison term.

Minors who commit a crime may be given prison sentences as follows:

1. If the law stipulates the highest penalty for a crime as life in prison or the death penalty, the highest penalty that may be applied to a minor who was

16 years of age or older at the time the crime was committed is 20 years in prison and the highest penalty that may be applied to a minor who was between the ages of 14 and 16 at the time the crime was committed is 15 years in prison.

2. If the law stipulates the highest penalty for a crime as 20 years in prison, the highest penalty that may be applied to a minor who has committed the crime is no more than 12 years in prison.

#### Article 65

##### Combining penalties.

In the cases of persons who have committed many crimes, some before reaching the age of 18 and some after reaching the age of 18, the combining of penalties is applied as follows:

1. If the most serious crime was committed before this person reached the age of 18, the common penalty may not exceed the highest penalty stipulated in Article 64.

2. If the most serious crime was committed after this person reached the age of 18, the common penalty is the same as the penalty applied to an adult who commits the same crime.

#### Article 66

##### Reduction of sentence.

A minor convicted of a crime, if he is doing well in reeducation, may have his penalty reduced by a greater amount of time or to a greater degree than stipulated in Article 49.

#### Article 67

##### Expunging the record of sentence.

1. Minors who commit a crime to whom the judicial measures of an educational and preventive nature stipulated in Paragraph 1, Article 60 are applied are not considered as having a record of sentence.

2. The time period for expunging the record of sentence of a minor is one-half the time period stipulated in Articles 53 to 56.

### Chapter VIII

#### The Provisions Concerning Military Personnel Who Commit Crime

#### Article 68

The application of the Code of Criminal Law to military personnel.

In the cases of active duty military personnel and reserve military personnel when assembled for training who commit a crime, the provisions of this chapter and, at the same time, the other provisions of the "General" portion of this code apply.

#### Article 69

Temporary suspension, waiver and reduction of penalty.

The court may temporarily suspend, for a period of from 6 months to 1 year, enforcement of the penalty for military personnel who have committed a less serious crime if, due to combat and combat support needs, a commander on the regimental or a higher echelon suggests that they be allowed to remain in their unit and continue to perform their duty. At the end of this period, the court will, on the basis of the attitude of the criminal toward rectifying his mistake and the results of his efforts to atone for his crime, waive or reduce the penalty or require that the declared penalty be completed in full.

#### Article 70

Reeducation within a disciplinary unit of the army.

1. Reeducation within a disciplinary unit of the army is the primary penalty applied for a period of from 6 months to 2 years to active duty military personnel who commit a less serious crime.

If a person convicted of a crime was temporarily detained, the amount of time spent in temporary detention is deducted from the amount of time to be spent in reeducation within a disciplinary unit of the army at the rate of 1 day in temporary detention being equal to 3 days in reeducation within a disciplinary unit of the army.

2. In cases in which persons who are not active duty military personnel commit a crime for which the law stipulates the penalty of reeducation within a disciplinary unit of the army, the penalty of reeducation without detention is applied as stipulated in Article 24.

#### Article 71

The stripping of military rank.

The stripping of military rank is a supplemental penalty that may be applied to military personnel who intentionally commit a serious crime.

A person who is stripped of military rank is automatically stripped of military seniority and the privileges enjoyed by him and his family.

## **Criminal Offenses**

### **Chapter I**

#### **The Crimes Against National Security**

##### **Section A**

##### **The Especially Dangerous Crimes Against National Security**

###### **Article 72**

**The crime of treason against the fatherland.**

1. The penalty for any citizen of Vietnam who collaborates with a foreign country with the intent to endanger the independence, sovereignty, unity and territorial integrity of the fatherland, national defense forces, the socialist system and the state of the Socialist Republic of Vietnam is 12 to 20 years in prison, life in prison or the death penalty.

2. The penalty for this crime in cases in which there are many mitigating circumstances is from 7 to 15 years in prison.

###### **Article 73**

**The crime of taking actions to overthrow the people's government.**

The penalty for anyone who establishes or joins an organization that has the purpose of overthrowing the people's government is as follows:

1. From 12 to 20 years in prison, life in prison or the death penalty for those who organize or urge the establishment of such an organization and those who, by their actions, capably support them or cause serious consequences.

2. From 5 to 15 years in prison for other accomplices.

###### **Article 74**

**The crime of espionage.**

1. The penalty for anyone who commits one of the following acts is from 12 to 20 years in prison, life in prison or the death penalty:

a) Conducting intelligence operations and acts of sabotage or establishing a base to conduct intelligence operations and acts of sabotage against the Socialist Republic of Vietnam;

b) Establishing a base, under orders from a foreign country, in order to conduct intelligence operations and acts of sabotage; conducting reconnaissance, being an informant for, harboring persons or serving as a



guide for or taking other actions to assist foreigners in intelligence operations and acts of sabotage;

c) Supplying or gathering with the intent to supply state secrets to a foreign country; supplying information and documents which are not state secrets so that they can be used by a foreign country against the Socialist Republic of Vietnam.

2. The penalty for this crime in less serious cases is from 5 to 15 years in prison.

3. Criminal liability may be waived for anyone who agrees to engage in espionage but does not perform the assigned mission and makes voluntary and full disclosure to an authorized state agency.

#### Article 75

The crime of violating territorial security.

The penalty for anyone who infiltrates the territory, alters the demarcation of the national border or takes any other action to undermine the territorial security of the Socialist Republic of Vietnam is as follows:

1. From 12 to 20 years in prison, life in prison or the death penalty for organizers and persons who, by their actions, capably support them or cause serious consequences.

2. From 5 to 15 years in prison for other accomplices.

#### Article 76

The crime of rebellion.

The penalty for anyone who engages in armed activities or uses organized, violent force with the intent to oppose the people's government, is as follows:

1. From 12 to 20 years in prison, life in prison or the death penalty for organizers and persons who, by their actions, capably support them or cause serious consequences.

2. From 5 to 15 years in prison for other accomplices.

#### Article 77

The crime of banditry.

The penalty for anyone who engages in armed activities in the mountainous jungles, at sea or in other strategically important areas, commits murder or plunders property with the intent to oppose the people's government and oppose the people is as follows:

1. From 12 to 20 years in prison, life in prison or the death penalty for organizers and persons who, by their actions, capably support them or cause serious consequences.

2. From 5 to 15 years in prison for other accomplices.

#### Article 78

##### The crime of terrorism.

1. The penalty for anyone who violates the life of state personnel, personnel of social organizations or citizens with the intent to oppose the people's government is from 12 to 20 years in prison, life in prison or the death penalty.

2. The penalty for crimes committed in cases in which freedom of the person and health are violated is from 5 to 15 years in prison.

3. The penalty for crimes committed in cases in which life is threatened or violated or other acts of psychological intimidation are committed is from 2 to 7 years in prison.

4. The crime of terrorizing a citizen of a foreign country with the intent to create difficulties for the international relations of the Socialist Republic of Vietnam is also punishable under this article.

#### Article 79

##### The crime of sabotaging material-technical bases of socialism.

1. The penalty for anyone who sabotages the material-technical bases of socialism in the political, security, national defense, economic, scientific-technical, cultural or social fields with the intent to oppose the people's government is from 12 to 20 years in prison, life in prison or the death penalty.

The penalty for this crime in less serious cases is from 5 to 15 years in prison.

#### Article 80

##### The crime of sabotaging the implementation of socio-economic policies.

1. The penalty for anyone who sabotages the implementation of state regulations on the socialist transformation of private industry and commerce, small industry, the handicraft trades and agriculture or the implementation of state socio-economic plans with the intent to oppose the people's government is from 10 to 20 years in prison.

The penalty for this crime in less serious cases is from 3 to 12 years in prison.

#### Article 81

The crime of undermining the policy of unity.

1. The penalty for anyone who engages in one of the following actions with the intent to oppose the people's government is from 5 to 15 years in prison:

a) Causing divisions among the various strata of the people, between the people and the armed forces, between the people and the people's government or between the people and social organizations;

b) Causing hostility, contempt and divisions among the various nationalities and violating the right of equality within the Vietnam national community;

c) Causing divisions between the religious and non-religious and separating religious followers from the people's government and social organizations;

d) Sabotaging the implementation of the policy of international solidarity.

2. The penalty for this crime in less serious cases is from 2 to 7 years in prison.

#### Article 82

The crime of anti-socialist propaganda.

1. The penalty for anyone who engages in one of the following actions with the intent to oppose the people's government is from 3 to 12 years in prison:

a) Spreading propaganda against the socialist system;

b) Spreading psychological warfare arguments, spreading false rumors and causing panic among the people;

c) Making, storing or circulating anti-socialist documents or cultural products.

2. The penalty for this crime in especially serious cases is from 10 to 20 years in prison.

#### Article 83

The crime of disrupting security.

1. The penalty for anyone who incites, persuades or assembles many persons to disrupt security, resist persons who are performing their public duty or obstruct the activities of state agencies or social organizations with the intent to oppose the people's government is from 5 to 15 years in prison.

2. The penalty for other accomplices is from 2 to 7 years in prison.

#### Article 84

The crime of resisting or escaping detention.

1. The penalty for anyone who, with the intent to oppose the people's government, attacks a detention camp, organizes an escape from a detention camp, releases a detainee, either at a camp or being escorted, or escapes from a detention camp is from 10 to 20 years in prison, life in prison or the death penalty.
2. The penalty for this crime in less serious cases is from 3 to 12 years in prison.

#### Article 85

The crime of fleeing to a foreign country or fleeing to and remaining in a foreign country with the intent to oppose the people's government.

1. The penalty for anyone who flees to a foreign country or flees to a foreign country and remains there with the intent to oppose the people's government is from 3 to 12 years in prison.
2. The penalty for persons who organize, force or incite such attempts is from 5 to 15 years in prison.
3. The penalty for this crime in especially serious cases is from 12 to 20 years in prison or life in prison.

#### Article 86

Crimes against a fraternal socialist state.

Anyone who commits an act set forth in Articles 72 to 85 with the intent to oppose a fraternal socialist state is punishable under the appropriate Article.

### Section B

#### Other Crimes Against National Security

#### Article 87

The crime of hijacking an airplane or ship.

The penalty for anyone who uses armed force or other means to hijack an airplane or ship is as follows:

1. From 12 to 20 years in prison, life in prison or the death penalty for organizers and persons who, by their actions, capably support them or cause serious consequences.
2. From 5 to 15 years in prison for other accomplices.

#### Article 88

The crime of organizing or forcing others to flee to a foreign country or illegally remain in a foreign country.

1. The penalty for anyone who organizes or forces other persons to flee to a foreign country or illegally remain in a foreign country but whose actions are not included in the cases stipulated in Article 85 is from 3 to 12 years in prison.
2. The penalty for persons who commit this crime many times or whose actions have serious consequences is from 10 to 20 years in prison.

#### Article 89

The crime of illegally emigrating from, illegally immigrating to or illegally remaining in a foreign country.

1. The penalty for anyone who illegally emigrates from, illegally immigrates to or illegally remains in a foreign country is a warning, reeducation without detention for a period of up to 1 year, or from 3 months to 2 years in prison.
2. This article does not apply to foreigners who come to the Socialist Republic of Vietnam seeking political asylum.

#### Article 90

The crime of violating aviation regulations.

1. The penalty for anyone who pilots an airplane or other means of flight into or from Vietnam in violation of the aviation regulations of the Socialist Republic of Vietnam, if not governed by the cases set forth in Articles 74 and 75, is a fine of up to 5 million dong (5,000,000 dong) or from 3 months to 3 years in prison.
2. The penalty for offenses that cause serious consequences is a fine of up to 10 million dong (10,000,000 dong) or from 2 to 10 years in prison.
3. Means of flight may be confiscated.

#### Article 91

The crime of violating maritime regulations.

1. The penalty for anyone who pilots a ship, boat or other means of navigation into or from Vietnam or through the territorial waters of Vietnam and violates the maritime regulations of the Socialist Republic of Vietnam, if not governed by the cases set forth in Articles 74 and 75, is a fine of up to 3 million dong (3,000,000 dong) or from 3 months to 2 years in prison.
2. The penalty for offenses that cause serious consequences is a fine of up to 8 million dong (8,000,000 dong) or from 1 year to 7 years in prison.



3. Means of navigation may be confiscated.

#### Article 92

The crime of intentionally divulging state secrets and the crime of taking, buying, selling or destroying secret state documents.

1. The penalty for anyone who intentionally divulges state secrets or takes, buys, sells or destroys secret state documents, if not governed by the cases set forth in Articles 74 and 80, is from 2 to 7 years in prison.
2. The penalty for these crimes in cases that have serious consequences is from 5 to 15 years in prison.

#### Article 93

The crime of unintentionally divulging state secrets or causing the loss of secret state documents.

1. The penalty for anyone who unintentionally divulges state secrets or causes the loss of secret state documents is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.
2. The penalty for crimes in cases that cause serious consequences is from 2 to 7 years in prison.

#### Article 94

The crime of destroying important national security projects and property.

1. The penalty for anyone who destroys communications-transportation or information-liaison projects or property, power transmission or fuel pipeline projects, water conservancy projects or other important security, national defense, economic, scientific-technical, cultural or social projects, if not governed by the cases set forth in Article 79, is from 3 to 12 years in prison.
2. The penalty for this crime in the following cases is from 10 to 20 years in prison, life in prison or the death penalty:
  - a) If it organized;
  - b) If especially serious consequences result;
  - c) If it is a dangerous repeat offense.

[15 July 1985, pp 2, 3]

#### Article 95

The crime of illegally manufacturing, storing, using, buying, selling or taking military weapons or military technical equipment.

1. The penalty for anyone who illegally manufactures, stores, uses, buys, sells or takes military weapons or military technical equipment is from 1 year to 7 years in prison.

2. The penalty for this crime in one of the following cases is from 5 to 15 years in prison:

- a) If it is organized;
- b) If the quantity of illegal goods involved is large;
- c) If serious consequences result;
- d) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 12 to 20 years in prison, life in prison or the death penalty.

#### Article 96

The crime of illegally manufacturing, storing, using, buying, selling or taking explosives, flammable materials, poisonous substances or radioactive materials.

1. The penalty for anyone who illegally manufactures, stores, uses, buys, sells or takes explosives, flammable materials, poisonous substances or radioactive materials is from 1 year to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

- a) If it is organized;
- b) If the quantity of illegal materials involved is large;
- c) If serious consequences result;
- d) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison or life in prison.

#### Article 97

The crime of smuggling or illegally transporting goods or currency across the border.

1. The penalty for anyone who illegally trades in or transports across the border merchandise, Vietnamese currency, foreign currency, precious metals, gemstones or items from historical or cultural ruins is a fine of up to five times the value of the contraband or from 1 year to 5 years in prison.

The penalty for this crime in one of the following cases is a fine of up to 10 times the value of the contraband or from 3 to 12 years in prison:

- a) If it is organized;
- b) If the quantity or value of contraband is large or if large illegal gains are involved;
- c) If committed to profit from a war;
- d) If committed to profit from one's public position or authority or from the name of a state agency or social organization;
- e) If it is committed many times or is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison or life in prison.

#### Article 98

The crime of counterfeiting money, storing or circulating counterfeit money and destroying currency.

1. The penalty for anyone who counterfeits money, stores or circulates counterfeit money, counterfeit checks or counterfeit bond coupons or destroys currency is from 5 to 15 years in prison.

2. The penalty for this crime in especially serious cases is from 12 to 20 years in prison, life in prison or the death penalty.

#### Article 99

The crime of spreading decadent culture.

1. The penalty for anyone who makes, copies, circulates, trades in or stores with the intent to distribute books, newspapers, pictures, photographs, films, music or other products that are decadent in nature or takes other actions to spread decadent culture is from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

- a) If it is organized;
- b) If the quantity of contraband involved is large or if serious consequences result;
- c) If it is a dangerous repeat offense.

## Article 100

### Supplemental penalties.

1. A citizen of Vietnam will have a number of his citizenship rights taken away for a period of from 1 to 5 years for committing a crime in Section A and for a period of 1 to 5 years for committing a crime in Section B.

2. A citizen of Vietnam who commits one of the crimes in Section A and one of the crimes in Article 87, Article 88 and in Articles 94 to 99 will be sentenced to probation or denied residence for a period of from 1 year to 5 years.

3. Anyone who commits one of the crimes stipulated in Articles 90 and 91 in cases in which the penalty is imprisonment may also be fined in the amount stipulated for each crime.

Anyone who commits one of the crimes stipulated in Articles 88, 95, 96, 98 and 99 may be fined from 10 thousand dong (10,000 dong) to 100 thousand dong (100,000 dong) or one of the crimes stipulated in Article 97, in cases in which the penalty is imprisonment, may be fined in the amount stipulated in that article.

4. Part or all of the property of anyone who commits one of the crimes in Section A will be confiscated; part or all of the property of anyone who commits one of the crimes stipulated in Article 88 and Articles 94 to 98 may be confiscated.

## Chapter II

### The Crimes Against the Life, Health, Dignity and Honor of Man

## Article 101

### The crime of murder.

1. The penalty for anyone who commits murder in one of the following cases is from 12 to 20 years in prison, life in prison or the death penalty:

- a) Murdering for base motives or to carry out or conceal another crime;
- b) Committing a barbarous crime by using one's occupation or by methods that endanger the lives of many persons;
- c) Murdering someone who is performing their public duty or because of the public duty performed by the victim;
- d) Mass murder or the murder of a woman known to be pregnant;
- e) If it is organized;

f) Murdering a person immediately prior to or after the commission of another serious crime;

g) If it is a ganster-style murder or a dangerous repeat offense.

2. The penalty for this crime in cases other than those stipulated in paragraph 1 of this article or cases in which there are no special mitigating factors is from 5 to 15 years in prison.

3. The penalty for this crime when committed in a state of strong emotional distress caused by a serious violation of the law by the victim against the perpetrator or a relative of the perpetrator is from 6 months to 5 years in prison.

4. The penalty for any mother who, as a result of being under the strong influence of backward thinking or as a result of special objective circumstances, murders a new born child or abandons a new born child, thus causing the child's death, is reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

#### Article 102

The crime of murdering someone as the result of exceeding the bounds of legitimate self-defense.

The penalty for anyone who murders a person in a case of exceeding the bounds of legitimate self-defense is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 103

The crime of violating the life or health of another person while performing one's public duty.

1. The penalty for anyone who, in the performance of his or her public duty, kills a person by using a weapon in cases other than those permitted under the law is from 1 year to 5 years in prison.

The penalty for this crime in cases in which many persons are killed is from 3 to 15 years in prison.

2. The penalty for inflicting serious injury upon or seriously harming the health of another person is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 104

The crime of manslaughter.

1. The penalty for anyone who commits manslaughter is from 6 months to 5 years in prison.



The penalty for this crime in cases in which many persons are killed is from 3 to 10 years in prison.

2. The penalty for this crime when it is the result of a violation of occupational regulations or administrative regulations is from 1 year to 5 years in prison.

The penalty in cases in which many persons are killed is from 5 to 15 years in prison.

#### Article 105

The crime of causing suicide.

The penalty for anyone who, through cruelty, constant intimidation or the maltreatment or humiliation of a dependent, causes this person to commit suicide is from 1 year to 7 years in prison.

#### Article 106

The crime of encouraging or helping someone to commit suicide.

The penalty for anyone who encourages someone else to commit suicide or helps someone else to commit suicide is from 6 months to 5 years in prison.

#### Article 107

The crime of intentionally not assisting a person whose life is in danger.

1. The penalty for anyone who sees that another person's life is in danger and is able to give assistance but does not, as a result of which that person dies, is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty in cases in which the person who fails to give assistance is the person who unintentionally created the dangerous situation or has an obligation under the law or as a result of occupation to provide assistance is from 1 year to 5 years in prison.

#### Article 108

The crime of threatening murder.

The penalty for anyone who threatens to murder another person and the person being threatened has reason to fear that this threat will be carried out is reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

#### Article 109

The crime of intentionally inflicting injury upon or causing harm to the health of another person.

1. The penalty for anyone who intentionally inflicts injury upon or harms the health of another person is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 7 years in prison:

a) Inflicting serious injury upon or causing serious harm to the health of another person;

b) Impeding someone in the performance of their public duty or because of the reason why the victim was performing his public duty;

c) A gangster-style offense or a dangerous repeat offense.

3. The penalty for this crime in a case that results in serious disability or death is from 5 to 20 years in prison.

4. The penalty for crimes defined under point a, paragraph 2 and paragraph 3 of this article that are committed as a result of strong emotional distress caused by a serious violation of the law by the victim or in the case of clearly exceeding the bounds of legitimate self-defense is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

#### Article 110

The crime of unintentionally inflicting serious injury upon or seriously harming the health of another person.

1. The penalty for anyone who unintentionally inflicts serious injury upon or seriously harms the health of another person is a warning, re education without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime being committed as a result of violating occupational regulations or administrative regulations is from 6 months to 3 years in prison.

#### Article 111

The crime of maltreating another person.

The penalty for anyone who treats a dependent cruelly is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

#### Article 112

The crime of rape.

1. The penalty for anyone who uses armed force or any other means to have sexual intercourse with another person against their will is from 1 year to 5 years in prison.

The penalty for this crime in cases in which a person less than 13 years of age or someone for whom the perpetrator is responsible for providing care, education or medical treatment is raped is from 2 to 7 years in prison.

2. The penalty for this crime in one of the following cases is from 5 to 15 years in prison:

- a) An organized rape or the rape of one person by many others;
- b) A rape that is committed by many persons or seriously harms the health of the victim;
- c) A dangerous repeat offense.

3. The penalty for this crime in cases that result in the death or suicide of the victim or in other especially serious cases is from 12 to 20 years in prison, life in prison or the death penalty.

4. Every case of sexual intercourse with children less than 13 years of age is the crime of rape, for which perpetrators are punishable under paragraphs 2 and 3 of this article.

#### Article 113

The crime of coercing a person into having sexual relations.

1. The penalty for anyone who uses every means at their disposal to coerce someone who is dependent upon them or someone who is experiencing difficult circumstances to reluctantly consent to sexual intercourse is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

The penalty for this crime in cases of coerced sexual relations with a child less than 13 years of age is from 1 year to 5 years in prison:

2. The penalty for this crime in one of the following cases is from 2 to 7 years in prison:

- a) Coerced sexual relations with many persons;
- b) When serious consequences result;
- c) A dangerous repeat offense.

3. The penalty for this crime in cases in which the victim commits suicide is from 5 to 15 years in prison.

#### Article 114

The crime of having sexual relations with a person who is less than 16 years of age.

The penalty for anyone who is a adult but has sexual relations with someone between the ages of 13 and 16 is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 115

The crime of buying or selling a woman.

1. The penalty for anyone who buys or sells a woman is from 2 to 7 years in prison.
2. The penalty for this crime in one of the following cases is from 5 to 20 years in prison:
  - a) If it is organized;
  - b) If it is committed for the purpose of sending a woman to a foreign country;
  - c) If it involves the buying and selling of many women;
  - d) If it is a dangerous repeat offense.

#### Article 116

The crime of libel.

1. The penalty for anyone who seriously libels the dignity or honor of another person is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.
2. The penalty for this crime when committed against a person performing his public duty is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

#### Article 117

The crime of slander.

1. The penalty for anyone who takes one of the following actions is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison:
  - a) Starting or spreading rumors that are clearly known to be false with the intent to sully the honor or harm the interests of another person;

b) Starting a false rumor that another person has committed a crime and falsely accusing that person to an agency of the state.

2. The penalty for this crime in serious cases is from 1 year to 7 years in prison.

#### Article 118

##### Supplemental penalties.

1. Anyone who commits one of the crimes stipulated in Articles 101 to 105 or in Articles 107, 112 and 113 may be prohibited from holding certain public positions, working in certain occupations or holding certain jobs for a period of from 2 to 5 years.

2. Anyone who commits one of the crimes stipulated in Articles 101 and 115 may be placed under probation or denied residence for a period of from 1 year to 5 years.

### Chapter III

#### The Crimes Against the Rights of Freedom and Democracy of the Citizen

#### Article 119

##### The crime of illegal arrest, detention and imprisonment.

1. The penalty for anyone who illegally arrests, detains or imprisons a person is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime when it is committed by using one's public position or authority is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

3. The penalty for this crime in cases in which serious consequences result is from 3 to 10 years in prison.

#### Article 120

##### The crime of violating the residence of a citizen.

1. The penalty for anyone who illegally searches the residence of another person, illegally forces someone from their residence or takes other illegal actions that violate the inviolability of the residence of a citizen is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 1 year in prison.

2. The penalty for this crime in cases involving abuse of public position or authority is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.



#### Article 121

The crime of violating the secrecy or security of another person's mail, telephone conversation or telegram.

The penalty for anyone who seizes the mail or telegram or takes other illegal actions that violate the secrecy or security of another person's mail, telephone conversation or telegram is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 1 year in prison.

#### Article 122

The crime of violating a citizen's right to vote.

1. The penalty for anyone who obstructs a citizen in the exercise of the right to vote through fraud, bribery or other means is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for anyone who has a position of responsibility in organizing or supervising elections who falsifies papers, tampers with ballots or uses any other means to falsify election results is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

#### Article 123

The crime of illegally firing a worker from his job.

The penalty for anyone who, for commercial gain or other personal motive, illegally fires a worker from his job is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 1 year in prison.

#### Article 124

The crime of violating the rights of the citizen to freedom of assembly, freedom of association and freedom of religion.

1. The penalty for anyone who takes action to impede a citizen's exercise of the following rights of freedom is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 1 year in prison:

- a) The freedom to assemble and the right to associate in a manner consistent with the interests of the state and the people;
- b) Freedom of religion, that is, the freedom to practice a religion or not to practice a religion.

2. The penalty for anyone who abuses the rights of freedom mentioned above or the other democratic freedoms in order to violate the interests of the state, a social organization or a citizen is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 1 year in prison.

#### Article 125

The crime of violating the right of equality of women.

The penalty for anyone who uses armed force or takes other serious action to impede a woman from participating in political, economic, scientific, cultural and social activities is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 1 year in prison.

#### Article 126

The crime of violating an author's rights and the rights pertaining to inventions and discoveries.

The penalty for anyone who usurps or takes other actions that violate an author's rights to scientific, cultural or art works or the rights regarding innovations that result in technological improvements and the rationalization of production, inventions and discoveries is a warning, a fine of up to 100 thousand dong (100,000 dong), reeducation without detention for a period of up to 1 year or from 3 months to 1 year in prison.

#### Article 127

The crime of violating a citizen's right to lodge complaints and file suits.

1. The penalty for anyone who takes one of the following actions is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison:

a) Using one public position or authority to impede the lodging of a complaint or the filing of a suit, impede the examination and resolution of a complaint or suit or impede the prosecution of the subject of a complaint or suit;

b) Being in a position of responsibility but intentionally not complying with the decision of an agency authorized to examine and resolve complaints and suits, thereby causing harm to the person that lodged the complaint or filed the suit.

2. The penalty for anyone who takes action to seek revenge against someone who lodged a complaint or filed a suit is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

#### Article 128

Supplemental penalties.

Anyone who commits one of the crimes stipulated in Articles 119 to 124 or in Articles 126 and 127 may be prohibited from holding certain public positions for a period from 2 to 5 years.

## Chapter IV

### The Crimes Against Socialist Ownership

#### Article 129

The crime of robbery of socialist property.

1. The penalty for anyone who uses armed force, threatens the imminent use of armed force or takes other action that puts the person being attacked in circumstances under which he cannot offer resistance with the intent to take possession of socialist property is from 5 to 15 years in prison.

2. The penalty for this crime in one of the following cases is from 12 to 20 years in prison, life in prison or the death penalty:

- a) If it is organized;
- b) If a weapon or other dangerous means or methods are employed;
- c) If serious injury, serious harm to health or death result;
- d) If the property taken is of large value or other serious consequences result;
- e) If it a dangerous repeat offense.

#### Article 130

The crime of taking possession of socialist property through duress.

1. The penalty for anyone who threatens to use armed force or uses other methods of intimidation against someone who is responsible for socialist property with the intent to take possession of this property is from 1 year to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

- a) If the value of the property taken is large;
- b) If it is committed to profit from one's public position or authority;
- c) If it is a dangerous repeat offense;

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison.

#### Article 131

The crime of snatching and fleeing with socialist property and the crime of openly seizing socialist property.

1. The penalty for anyone who snatches and flees with socialist property or openly seizes socialist property, if not governed by the cases stipulated in Article 129 is from 1 year to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison.

a) if it is organized;

b) If a dangerous method is employed or if a violent act is committed in order to escape;

c) If the value of the property taken is large or other serious consequences result;

d) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison.

#### Article 132

The crime of theft of socialist property.

1. The penalty for anyone who takes possession of socialist property by theft is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

a) If it is organized;

b) If guile or dangerous methods are employed;

c) If a violent act is committed in order to escape;

d) If the value of the property taken is large;

e) If it a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison, life in prison or the death penalty.

#### Article 133

The crime of embezzling socialist property.

1. The penalty for anyone who uses his public position or authority to take possession of socialist property for which he is personally responsible for managing is from 1 year to 7 years in prison.

2. The penalty for this crime in one of the following cases is from 5 to 15 years in prison:

a) If there is collusion with other persons either within or outside state agencies or social organizations;

b) If guile or dangerous methods are employed;

c) If the value of the property taken is large;

d) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 12 to 20 years in prison, life in prison or the death penalty.

#### Article 134

The crime of taking possession of socialist property through fraud.

1. The penalty for anyone who, through deceptive means, takes possession of socialist property is from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

a) If it is organized;

b) If guile or dangerous methods are employed;

c) If the value of the property taken is large;

d) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison or life in prison.

#### Article 135

The crime of taking possession of socialist property through abuse of trust.

1. The penalty for anyone who takes possession of socialist property through abuse of trust is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

a) If guile or dangerous methods are employed;



- b) If the value of the property taken is large;
- c) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison.

#### Article 136

The crime of illegally keeping socialist property.

1. The penalty for anyone who does not return socialist property entrusted to them by mistake or does not turn over to a responsible agency property that they have found or discovered but which they know is socialist property is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for keeping property of large value is from 1 year to 5 years in prison.

#### Article 137

The crime of illegally using socialist property.

1. The penalty for anyone who illegally uses socialist property for commercial gain is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime in cases involving abuse of one's public position or authority or in which serious consequences result is from 1 to 7 years in prison:

#### Article 138

The crime of destroying or intentionally damaging socialist property.

1. The penalty for anyone who destroys or intentionally damages socialist property, if not governed by the cases stipulated in Article 79 and Article 94, is from 1 year to 7 years in prison.

2. The penalty for this crime in one of the following cases is from 5 to 15 years in prison:

- a) If explosives, flammable materials or other dangerous means are employed;
- b) If the value of the destruction or intentional damage caused is large;
- c) If serious consequences result;
- d) If committed to conceal another crime.

3. The penalty for this crime in especially serious cases is from 12 to 20 years in prison, life in prison or the death penalty.

#### Article 139

The crime of causing serious damage to socialist property through negligence.

1. The penalty for anyone who serves a direct function in the management of socialist property but who, due to negligence, allows socialist property to be lost, damaged or wasted, thus causing serious damage to socialist property, is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime in cases that have especially serious consequences is from 3 to 12 years in prison.

#### Article 140

The crime of unintentionally causing serious damage to socialist property.

The penalty for anyone who unintentionally causes serious damage to socialist property is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 141

Crimes against the property of other states or international organizations.

Anyone who violates the property of other states or of international organizations is punishable under the applicable articles of this chapter.

#### Article 142

Supplemental penalties.

1. Anyone who commits one of the crimes stipulated in Articles 133, 137 or 139 may be prohibited from holding a position that involves the management of socialist property for a period of from 2 to 5 years.

2. The penalty for anyone who commits one of the crimes stipulated in Articles 129 to 132 and Articles 134 and 135, if it is a dangerous repeat offense, is probation or the denial of residence for a period of from 1 year to 5 years.

3. Anyone who commits one of the crimes stipulated in this chapter, except for Articles 136, 139 and 140, may, depending upon the seriousness of the crime, be fined up to 1 million dong (1,000,000 dong) or have part or all of his property confiscated or both.

## Chapter V

### The Crimes Against Marriage and the Family and the Crimes Against Minors

#### Article 143

The crime of forced marriage or impeding a voluntary, progressive marriage.

The penalty for anyone who forces another person to enter into a marriage against their will or impedes another person from entering into a marriage or maintaining voluntary, progressive marital relations by means of abuse, maltreatment, psychological intimidation, demands for material wealth or any other means is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 144

The crime of bigamy.

The penalty for anyone who marries or lives with someone as a wife or husband while already married to someone else is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison:

2. The penalty for this crime in cases involving a court order to terminate a marriage or to cease living together as husband and wife in violation of the practice of monogamy but continuing to maintain these relationships is from 6 months to 3 years in prison.

#### Article 145

The crime of arranging or entering into an early marriage.

The penalty for anyone who takes one of the following actions is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison:

- a) Arranging the marriage of a person who is not of marriage age;
- b) Intentionally maintaining illegal marital relations with a person who is not of marriage age despite a decision by the court to terminate this relationship.

#### Article 146

The crime of incest.

The penalty for anyone who engages in sexual intercourse with a direct blood relative, with a blood brother or sister or with a half-blood brother or sister is from 6 months to 5 years in prison.

#### Article 147

The crime of seriously abusing or maltreating a parent, spouse or child.

The penalty for anyone who seriously abuses or maltreats a parent, spouse or child is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 148

The crime of enticing or harboring a minor who has violated the law.

1. The penalty for anyone who entices a minor into criminal activities or an immoral life or harbors a minor who has violated the law is from 1 year to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

- a) If it is organized;
- b) If many minors are enticed or harbored;
- c) If serious consequences result;
- d) If it is a dangerous repeat offense.

#### Article 149

The crime of stealing, buying, selling or switching children.

1. The penalty for anyone who steals, buys, sells or switches a child is from 1 year to 7 years in prison.

2. The penalty for this crime in one of the following cases is from 5 to 20 years in prison:

- a) If it is organized;
- b) If a child is sent to a foreign country;
- c) If many children are stolen, bought, sold or switched or if other serious consequences result;
- d) If it is a dangerous repeat offense.

#### Article 150

Supplemental penalties.

If it is a dangerous repeat offense, anyone who commits one of the crimes stipulated in Articles 148 and 149 may be placed under probation for a period of 1 year to 5 years.

## Chapter VI

### The Crimes Against a Citizen's Right of Ownership

#### Article 151

The crime of robbing a citizen of property.

1. The penalty for anyone who uses armed force against another person, threatens the imminent use of armed force or or takes other action to place that person in a situation in which resistance is impossible with the intent to take possession of property belonging to that person is from 3 to 12 years in prison.

2. The penalty for this crime in one of the following cases is from 10 to 20 years in prison, life in prison or the death penalty:

- a) If it is organized;
- b) If a weapon or other dangerous means and methods are employed;
- c) If serious injury or serious harm to health result or if a person is killed;
- d) If the value of the property taken is large or other serious consequences result;
- e) If it is a dangerous repeat offense.

#### Article 152

The crime of kidnapping with intent to take possession of the property of a citizen.

1. The penalty for anyone who kidnaps another person and holds that person hostage with the intent to take possession of the property of a citizen is from 2 to 10 years in prison.

2. The penalty for this crime in one of the following cases is from 7 to 20 years in prison:

- a) If it is organized;
- b) If a weapon or other dangerous means are employed;
- c) If serious consequences result;
- d) If it is a dangerous repeat offense.



#### Article 153

The crime of taking possession of a citizen's property through coercion.

1. The penalty for anyone who threatens to use armed force or employs other means of psychological intimidation with the intent to take possession of another person's property is from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 10 years in prison:

a) If the value of the property taken is large or other serious consequences result;

b) If it is a dangerous repeat offense.

#### Article 154

The crime of snatching and fleeing with a citizen's property and the crime of openly taking possession of a citizen's property.

1. The penalty for anyone who snatches and flees with property belonging to another person or openly takes possession of another person's property, if not governed by the cases set forth in Article 151 is from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 10 years in prison:

a) If it is organized;

b) If dangerous methods are employed or an act of violence is committed in order to escape;

c) If the value of the property taken is large or other serious consequences result;

d) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 7 to 15 years in prison.

#### Article 155

The crime of theft of property of a citizen.

1. The penalty for anyone who takes the property of another person through theft is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 10 years in prison:

- a) If it is organized;
- b) If guile or dangerous methods are employed or if an act of violence is committed in order to escape;
- c) If the value of the property taken is large or other serious consequences result;
- d) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 7 to 20 years in prison.

#### Article 156

The crime of taking possession of the property of a citizen through abuse of one's public position or authority.

1. The penalty for anyone who takes possession of the property of another person through abuse of his position or authority is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

- a) If the value of the property taken is large or other serious consequences result;
- b) If it is a dangerous repeat offense.

#### Article 157

The crime of taking possession of the property of a citizen through fraud.

1. The penalty for anyone who, through deceptive means, takes possession of the property of another person is from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 10 years in prison:

- a) If it is organized;
- b) If guile or dangerous methods are employed;
- c) If the value of the property taken is large;
- d) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 7 to 15 years in prison.

#### Article 158

The crime of taking possession of property of a citizen through abuse of trust.

1. The penalty for anyone who takes possession of the property of another person through abuse of trust is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 12 years in prison:

- a) If the value of the property taken is large;
- b) If it is a dangerous repeat offense.

#### Article 159

The crime of illegally keeping the property of a citizen.

The penalty for anyone who intentionally does not return property to its owner or does not turn over to a responsible agency property of high value that belongs to another person but was entrusted to him by mistake or was found or discovered is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

#### Article 160

The crime of destroying or intentionally damaging property of a citizen.

1. The penalty for anyone who destroys or intentionally damages property of another person is from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

- a) If explosives, flammable materials or other dangerous means are employed;
- b) If the value of the property destroyed or intentionally damaged is large or other serious consequences result;
- c) If it is committed to conceal another crime;
- d) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison.

#### Article 161

The crime of unintentionally causing serious damage to property of a citizen.

The penalty for anyone who unintentionally causes serious damage to property of another person is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

#### Article 162

The crimes against property of foreigners.

Anyone who violates the property of a foreigner is punishable under the appropriate articles of this chapter.

#### Article 163

Supplemental penalties.

1. Anyone who commits the crime stipulated in Article 156 may be prohibited from holding certain public positions for a period of 2 to 5 years.

2. Anyone who commits one of the crimes stipulated in Articles 151 to 155, Article 157 or Article 158, if the crime is a dangerous repeat offense, may be placed under probation or denied residence for a period of 1 year to 5 years.

3. Anyone who commits one of the crimes stipulated in Articles 151 to 158 may, depending upon the seriousness of the crime, have part or all of his property confiscated.

### Chapter VII

#### The Economic Crimes

#### Article 164

The crime of impeding the implementation of state regulations on socialist transformation.

1. The penalty for anyone who destroys or relocates property or takes other action to impede the implementation of the state's regulations on socialist transformation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 7 years in prison:

a) If it is committed through the use of a person's public position or authority;

b) If serious consequences result.

#### Article 165

The crime of speculation.

1. The penalty for anyone who buys up merchandise, grain, materials and the various types of stamps, coupons, tickets and papers of value in the distribution of merchandise, grain and materials or the supplying of services with the intent to resell them to earn illegitimate profits is from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

a) If it is speculation in petroleum products or medicines that are managed exclusively by the state;

b) If it is organized;

c) If it is committed through the use of a person's public position or authority or by using the name of a state agency or social organization;

d) If the quantity or value of illegal goods is large or if the resulting illegitimate profit is large;

e) If it is committed to profit from a natural disaster or war;

f) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison or life in prison.

#### Article 166

The crime of trading in or storing contraband.

1. The penalty for anyone who trades in or stores narcotic substances or foreign currency or trades in precious metals or gemstones is from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

a) If it is organized;

b) If it is committed through the use of a person's public position or authority or by using the name of a state agency or social organization;

c) If the quantity of illegal goods is large or if the resulting illegitimate profit is large;

d) If it is committed to profit from a natural disaster or war;

e) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison.



#### Article 167

The crime of making or trading in fake goods.

1. The penalty for anyone who makes or trades in fake goods is from 6 months to 5 years in prison.
2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:
  - a) If the fake goods are grain, food products or medicine;
  - b) If it is organized;
  - c) If it is committed through the use of a person's public position or authority or by using the name of a state agency or social organization;
  - d) If the quantity of fake goods is large or if the resulting illegitimate profit is large;
  - e) If it is a dangerous repeat offense.
3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison, life in prison or the death penalty.

#### Article 168

The crime of operating an illegal business.

1. The penalty for anyone who operates a business without a license or in violation of license provisions or who takes any other action that violates the state's regulations on businesses in commerce and industry and who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.
2. The penalty for this crime in one of the following cases is from 1 year to 7 years in prison:
  - a) If it is committed by using the name of a state agency or social organization;
  - b) If it is committed in the name of an organization that does not exist;
  - c) If the quantity or value of illegal goods is large or if the resulting illegitimate profit is large;

#### Article 169

The crime of tax evasion.

The penalty for anyone who evades a large amount of taxes or continues to evade taxes after having been the subject of administrative action is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 170

The crime of customer fraud.

1. The penalty for anyone engaged in trade who weighs, measures, counts or calculates the cost of merchandise with the intent to defraud, switches products or uses other means of fraud to cause a customer to suffer a loss and who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime if it is committed many times or results in large illegitimate profit is from 2 to 7 years in prison.

#### Article 171

The crime of loaning money at excessive rates of interest.

1. The penalty for anyone who loans money at excessive rates of interest that are wholly exploitative in nature is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime in cases involving the use of public funds is from 1 year to 5 years in prison.

#### Article 172

The crime of misappropriating stamps and coupons and making or circulating fake stamps, coupons and papers used in distribution.

1. The penalty for anyone who commits one of the following activities is from 6 months to 5 years in prison:

- a) Misappropriating stamps and coupons used in distribution;
- b) Making or circulating fake stamps, coupons or papers used in distribution.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

- a) If it is organized;
- b) If the resulting illegitimate profit is large;
- c) If serious consequences result;
- d) If it is a dangerous repeat offense.

3. The penalty for this crime in especially serious cases is from 10 to 20 years in prison or life in prison.

#### Article 173

The crime of making or trading in counterfeit tickets.

1. The penalty for anyone who makes or trades in counterfeit train tickets, bus tickets, lottery tickets, postal stamps, fee stamps or other types of counterfeit tickets in large quantities or who has been the subject of administrative action but continues to commit the same violation is from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

- a) If the resulting illegitimate profit is large;
- b) If it is a dangerous repeat offense.

#### Article 174

The crime of intentionally violating state economic management principles, policies and regulations and causing serious consequences.

1. The penalty for anyone who, for commercial gain, intentionally uses his public position or authority in a manner contrary to state economic management principles, policies and regulations and causes serious consequences or who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime if especially serious consequences result is from 2 to 7 years in prison.

#### Article 175

The crime of establishing an illegal fund.

1. The penalty for anyone who uses his public position or authority to establish an illegal fund and who uses that fund to cause serious consequences or who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime in one of the following cases is from 1 year to 5 years in prison:

- a) If guile is used to evade detection;

b) If committed to carry out another crime or cause especially serious consequences.

#### Article 176

The crime of submitting false reports in economic management.

The penalty for anyone who, for commercial gain, submits a report to an authorized agency that contains data or information that are clearly false, thereby causing serious consequences in the formulation or implementation of a socio-economic plan of the state, or who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 177

The crime of circulating products of inferior quality.

The penalty for anyone responsible for guiding production, inspecting product quality or distributing and circulating goods who, for commercial gain, puts into circulation on many different occasions or in large quantity products that do not meet quality standards, thereby causing serious consequences, is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 178

The crime of violating the principles, policies and regulations on distribution.

The penalty for anyone who, for commercial gain, violates the principles, policies and regulations on the distribution of materials, grain, food products, or other merchandise, thereby causing serious consequences, is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 179

The crime of violating regulations on researching, exploring for, developing and protecting natural resources under the ground, in the ocean waters and on the continental shelf of Vietnam.

The penalty for anyone who violates the regulations of the state on researching, exploring for, developing and protecting the natural resources under the ground, in internal or territorial waters, within the exclusive economic zone and on the continental shelf of Vietnam or violates the regulations on the protection of marine product resources is a warning, a fine of up to 10 million dong (10,000,000 dong) or from 3 months to 1 year in prison.

The implements and equipment used in the commission of this crime may be confiscated. All objects discovered as a result of the commission of this crime will be confiscated.

#### Article 180

The crime of violating land management and conservation regulations.

1. The penalty for anyone who buys, sells or encroaches upon land or takes any other action that violates state land management and conservation regulations, thereby causing serious consequences, or who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in especially serious cases is from 2 to 7 years in prison.

#### Article 181

The crime of violating forest management and conservation regulations.

1. The penalty for anyone who illegally harvests forest trees, illegally hunts birds or animals or takes other actions that violate the regulations of the state on forest management and conservation, thereby causing serious consequences, or who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in especially serious cases is from 2 to 10 years in prison.

#### Article 182

The crime of illegally using or distributing electricity, thereby causing serious consequences.

1. The penalty for anyone who illegally uses or distributes electricity, thereby causing serious consequences, or who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in cases involving the illegal use of electricity for an unlicensed business purpose or in other especially serious cases is from 2 to 10 years in prison.

#### Article 183

The crime of illegally producing or trading in alcoholic beverages and tobacco.



The penalty for anyone who illegally produces or trades in alcoholic beverages or tobacco in violation of state regulations and who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 184

The crime of illegally slaughtering livestock.

The penalty for anyone who kills buffalo, cattle or other livestock in violation of the regulations of the state on the protection of draft power, thereby causing serious consequences, or who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 185

Supplemental penalties.

1. Anyone who commits one of the crimes stipulated in Article 164, 177 and 178 and in Articles 180 to 184 may be fined up to 1 million dong (1,000,000 dong).

Anyone who commits the crime stipulated in Article 179 in a case in which the form of criminal punishment that applies is imprisonment may be fined up to 10 million dong (10,000,000 dong).

2. Anyone who commits one of the crimes stipulated in Articles 165 to 169, 171 to 173 and in Article 183 may, depending upon the case, be fined up to 10 times the value of the illegal goods or illegitimate profits.

3. Anyone who commits one of the crimes stipulated in Articles 164 to 168 and in Articles 172 and 173 may also have part or all of his property confiscated.

4. Anyone who commits one of the crimes stipulated in Articles 164 to 168, Articles 170 and 171, Articles 174 to 178 and Articles 180, 181 and 182 may be prohibited from holding certain public positions, working in certain occupations or holding certain jobs for a period of 2 to 5 years.

### Chapter VIII

The Crimes Against Public Safety and Order and Administrative Management Order

#### Section A

##### The Crimes Against Public Safety

#### Article 186

The crime of violating the regulations on communications-transportation safety, thereby causing serious consequences.

1. The penalty for anyone who, while operating means of transportation, violates the regulations on communications-transportation safety on highways, railroads, water routes or air routes, thereby causing harm to the life or health of others or serious damage to property, in one of the following cases is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison:

- a) Operating at too high a speed, operating in excess of weight limitations or engaged in illegal evasion or escape;
- b) Not operating in the correct lane, channel or flight path or at the stipulated altitude;
- c) Violating other traffic safety regulations.

2. The penalty for this crime in one of the following cases is from 3 to 10 years in prison:

- a) Operating a means of transportation without a license or while under the influence of alcohol or other stimulant;
- b) Causing an accident and fleeing the scene in order to evade liability or intentionally not assisting a victim;

3. The penalty for this crime in cases involving especially serious consequences is from 7 to 20 years in prison.

4. The penalty for this crime in cases involving the distinct possibility of especially serious consequences if not promptly prevented is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 187

The crime of obstructing communications-transportation, thereby causing serious consequences.

1. The penalty for anyone who takes one of the following actions to obstruct communications-transportation, thereby causing harm to the life or health of other persons or serious damage to property is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison:

- a) Digging into or destroying communications projects and emplacing obstacles to obstruct highway, railway, water routes or air traffic;
- b) Moving or destroying signs, signals or communications equipment;

c) Taking other actions to obstruct communications-transportation.

2. The penalty for this crime in cases involving especially serious consequences is from 2 to 7 years in prison.

#### Article 188

The crime of putting unsafe means of transportation into use or assigning unqualified persons to operate means of transportation, thereby causing serious consequences.

1. The penalty for anyone who commits one of the following actions is a warning, reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison:

a) Being someone who is directly responsible for assigning operators or for the technical condition of means of transportation but putting into use means of transportation that are clearly unsafe, thereby causing harm to the life or health of others or serious damage to property;

b) Assigning someone who does not have a license or is otherwise unqualified or assigning someone who is under the influence of alcohol or other stimulant to operate means of transportation, thereby causing the consequences mentioned above.

2. The penalty for this crime in cases involving especially serious consequences is from 3 to 12 years in prison.

#### Article 189

The crime of illegally stopping a train or illegally causing a train to stop.

1. The penalty for anyone who illegally stops a train or illegally causes a train to stop in violation of railroad communications regulations, thereby impeding the normal operation of trains, is from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:

a) If it is committed by a person who is a member of the train crew;

b) If it causes harm to the life or health of others or causes serious damage to property.

3. The penalty for this crime in cases involving especially serious consequences is from 10 to 20 years in prison or life in prison.

#### Article 190

The crime of violating the regulations on labor safety, labor protection and safety at crowded places, thereby causing serious consequences.

1. The penalty for any person responsible for guiding the implementation of or implementing regulations on labor safety, labor protection, industrial sanitation or safety at crowded places who violates these regulations, thereby causing harm to the life and health of others or causing serious damage to property, is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime in cases involving especially serious consequences is from 3 to 12 years in prison.

3. The penalty for anyone who violates the safety regulations regarding mines, chemicals, petroleum or natural gas or the safety regulations that apply in the other important fields and causes the distinct possibility of especially serious consequences if not promptly prevented is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 191

The crime of violating building regulations, thereby causing serious consequences.

1. The penalty for anyone who violates the building regulations that apply in the fields of survey work, design work, construction, the use of raw materials, building materials and machinery, the testing and acceptance of projects or the other fields, thereby causing harm to the life or health of others or serious damage to property is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime in cases involving especially serious consequences is from 3 to 15 years in prison.

#### Article 192

The crime of violating regulations on the management of weapons, technical equipment, explosives, flammable materials, poisonous substances and radioactive materials.

1. The penalty for anyone who violates the regulations on the selection of sites for warehouses for or the storage, transportation or use of weapons, technical equipment, explosives, flammable materials, poisonous substances or radioactive materials, thereby causing harm to the life or health of others or serious damage to property, is from 1 year to 7 years in prison.

2. The penalty for this crime in cases involving especially serious consequences is from 5 to 15 years in prison.

3. The penalty for this crime in cases involving the distinct possibility of especially serious consequences if not promptly prevented is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 193

The crime of negligence in the keeping of a weapon, thereby causing serious consequences.

The penalty for anyone who is assigned a weapon but who, through negligence, allows that weapon to be used by someone to kill or inflict serious injury upon another person or cause serious damage to property is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

#### Article 194

The crime of violating fire prevention or fire fighting regulations, thereby causing serious consequences.

1. The penalty for anyone who violates fire prevention or fire fighting regulations, thereby causing harm to the life or health of another person or serious damage to property, is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in cases involving especially serious consequences is from 2 to 10 years in prison.

3. The penalty for this crime in cases involving the distinct possibility of especially serious consequences if not promptly prevented is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 1 year in prison.

#### Article 195

The crime of violating environmental protection regulations, thereby causing serious consequences.

1. The penalty for anyone who violates the regulations on the maintenance of public sanitation, the prevention and control of epidemics or environmental protection, thereby causing serious consequences, is reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime in cases involving especially serious consequences is from 1 year to 5 years in prison.

#### Article 196

The crime of violating the regulations on medical treatment, the manufacture of drugs or the sale of drugs, thereby causing serious consequences.

1. The penalty for anyone who violates the regulations on medical examinations, medical treatment, the manufacture or preparation of drugs, the dispensing of drugs or the sale of drugs, thereby causing serious harm to the life or health of another person, is from 1 year to 7 years in prison.



2. The penalty for this crime in cases involving especially serious consequences is from 5 to 15 years in prison.

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#### Article 197

The crime of violating clean food regulations, thereby causing serious consequences.

1. The penalty for anyone who processes, supplies or sells a food product with the knowledge that it is of substandard quality, thereby causing serious harm to the life or health of a consumer, is from 1 year to 7 years in prison.

2. The penalty for this crime in cases involving especially serious consequences is from 5 to 15 years in prison.

### Section B

#### The Crimes Against Public Order

#### Article 198

The crime of disrupting public order.

1. The penalty for anyone who disrupts order at public places is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime in one of the following cases is from 1 year to 7 years in prison:

- a) If it involves the use of a weapon or an act of destruction;
- b) If many persons are drawn or provoked into disrupting order;
- c) If an act of violence is committed against someone who intervenes to maintain order;

#### Article 199

The crime of practicing a superstitious craft, thereby causing serious consequences.

1. The penalty for anyone who practices fortune telling, witchcraft or the other forms of superstitious crafts, thereby causing serious consequences, is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in cases that result in death or other especially serious consequences is from 2 to 10 years in prison.

#### Article 200

The crime of gambling and the crime of organizing gambling or operating a gambling establishment.

1. The penalty for anyone who wins or loses money or property through any form of gambling is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.
2. The penalty for anyone who organizes gambling or operates a gambling establishment is a warning, reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

The penalty for a dangerous repeat offense of this crime is from 2 to 7 years in prison.

#### Article 201

The crime of keeping or using property with the knowledge that it came into one's possession as the result of a crime committed by another person.

1. The penalty for anyone who, without prior agreement, keeps or uses property with the knowledge that it came into one's possession as a result of a crime committed by another person is from 6 months to 5 years in prison.
2. The penalty for this crime in one of the following cases is from 3 to 12 years in prison:
  - a) If it is organized;
  - b) If the quantity or value of the property involved is large.
  - c) If it is a dangerous repeat offense;

#### Article 202

The crime of operating a brothel and the crime of pandering.

1. The penalty for anyone who operates a brothel or entices or leads a woman into prostitution is from 6 months to 5 years in prison.
2. The penalty for this crime if it causes serious consequences or is a dangerous repeat offense is from 3 to 10 years in prison.

#### Article 203

The crime of organizing the use of narcotics.

1. The penalty for anyone who organizes the use of narcotics of any form is from 6 months to 5 years in prison.

2. The penalty for this crime if it causes serious consequences or is a dangerous repeat offense is from 3 to 10 years in prison.

#### Article 204

The crime of desecrating a grave or corpse.

1. The penalty for anyone who exumes or destroys a grave, takes articles left within or on a grave or in any other way desecrates a grave or corpse is reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime if it causes serious consequences is from 1 year to 5 years in prison.

### Section C

#### The Crimes Against Administrative Management Order

#### Article 205

The crime of opposing a person in the performance of his public duty.

1. The penalty for anyone who uses armed force or threatens to use armed force against a person in the performance of his public duty or employs any method to coerce that person into committing illegal acts, if not governed by the cases stipulated in Article 101 and Article 109, is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

2. The penalty for this crime in cases involving serious consequences is from 2 to 10 years in prison:

#### Article 206

The crime of evading one's military obligation.

1. The penalty for anyone who is of military age but fails to fully comply with regulations on registering for the military draft, fails to comply with an induction order or fails to comply with an order to report for training and who has been the subject of administrative action but continues to commit the same violation is from 3 months to 2 years in prison.

2. The penalty for this crime in one of the following cases is from 1 year to 5 years in prison:

- a) If it involves self-inflicted injury or self-inflicted harm to one's health;
- b) If it is committed during time of war;
- c) If another person is drawn into committing the same crime.

#### Article 207

The crime of countermanding or impeding fulfillment of the military obligation.

1. The penalty for anyone who uses his public position or authority to countermand the regulations on registering for the draft, induction orders or orders to report for training is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for anyone who intentionally impedes registration for the draft, the execution of an induction order or the execution of an order to report for training is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

3. The penalty for this crime if it is committed in time of war is from 2 to 10 years in prison.

#### Article 208

The crime of evading the public labor obligation.

The penalty for anyone who is required to fulfill a public labor obligation but fails to comply with a mobilization order to fulfill this obligation and who has been the subject of administrative action but continues to commit the same violation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 209

The crime of countermanding or impeding fulfillment of the public labor obligation.

The penalty for anyone who intentionally countermands or impedes fulfillment of the public labor obligation is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 210

The crime of impersonating a public servant.

The penalty for anyone who impersonates a public servant with the intent to commit an illegal act is a warning or from 3 months to 2 years in prison.

#### Article 211

The crime of forging identification papers or documents of a state agency or social organization.

1. The penalty for anyone who commits one of the following acts is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison:

a) Altering or falsifying the contents of or counterfeiting an identification paper, passport, household or census registration paper or other identification paper of a state agency or social organization and using this paper to commit an act that violates the law;

b) Counterfeiting a seal, letterhead or other paper of a state agency or social organization and using this seal or paper with the intent to deceive a state agency, social organization or citizen.

2. The penalty for this crime if it is organized or causes serious consequences is from 2 to 7 years in prison.

#### Article 212

The crime of taking, buying, selling or destroying a seal or document of a state agency or social organization.

1. The penalty for anyone who takes, buys, sells or destroys a seal or document of a state agency or social organization that is not classified as a secret state document or a work related secret document is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime if it is organized or causes serious consequences is from 1 year to 5 years in prison.

#### Article 213

The crime of failing to comply with administrative decisions regarding compulsory residence, denial of residence, probation or compulsory labor.

The penalty for anyone who fails to comply with the decision of authorized administrative agencies regarding compulsory residence, denial of residence, probation or compulsory labor is from 3 months to 1 year in prison.

#### Article 214

The crime of violating housing management regulations.

The penalty for anyone who illegally takes possession of or builds a house and who has been the subject of administrative action but continues to commit the same violation or illegally transfers the possession of a house managed by the state or a social organization and realizes large illegitimate gains is reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

Illegally constructed projects may be demolished, requisitioned or confiscated.



#### Article 215

The crime of violating regulations on the publishing and distribution of books, newspapers and other published material.

The penalty for anyone who violates the regulations on the publishing and distribution of books, newspapers or other published material is a warning, a fine from 5 thousand dong (5,000 dong) to 200 thousand dong (200,000 dong), reeducation without detention for a period of up to 1 year or from 3 months to 1 year in prison.

#### Article 216

The crime of violating the regulations on the preservation and use of historical ruins, cultural relics and places of scenic beauty, thereby causing serious consequences.

The penalty for anyone who violates the regulations on the preservation and use of historical ruins, cultural relics and places of scenic beauty, thereby causing serious consequences, is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 217

The crime of defiling the national flag or national emblem.

The penalty for anyone who intentionally defiles the national flag or national emblem is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 218

Supplemental penalties.

1. Anyone who commits one of the crimes stipulated in Articles 186 to 191 and 195 to 197 may be prohibited from holding certain public positions, working in certain occupations or holding certain jobs for a period of 2 to 5 years.

2. Anyone who commits one of the crimes stipulated in Articles 199 to 203 may be placed under probation or denied residence for a period of from 1 year to 5 years.

3. Anyone who commits one of the crimes stipulated in Articles 199 to 203 will be fined from 1 thousand dong (1,000 dong) to 50 thousand dong (50,000 dong) and may have part of his property confiscated.

## Chapter IX

### The Crimes Pertaining to Public Duty

#### Article 219

The definition of crimes pertaining to public duty.

The crimes pertaining to public duty are actions that violate the proper function of a state agency or social organization taken by a public servant in the performance of his duty.

A public servant is defined as a person who has been appointed, elected, contracted with or by other means engaged, either salaried or non-salaried, to perform a specific public function and who possesses specific authority when engaged in the performance of this public function.

#### Article 220

The crime of causing serious consequences through negligence.

The penalty for anyone who, through negligence, fails to carry out or correctly carry out his assigned duty, thereby causing serious consequences, if not governed by the cases stipulated in Articles 139, 193 and 237, is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 221

The crime of abusing one's public position or authority or exceeding one's authority in the performance of one's public function.

The penalty for anyone who, for commercial gain or other personal motive, abuses their public position or authority or exceeds their authority and acts in a manner contrary to their public function, thereby causing harm to the interests of the state, of society or the legitimate interests of a citizen, if not governed by the cases stipulated in Articles 156, 238 and 239, is a warning, reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison.

#### Article 222

The crime of intentionally divulging work related secrets and the crime of taking, buying, selling or destroying secret work documents.

1. The penalty for anyone who intentionally divulges work secrets or takes, buys, sells or destroys a secret work document, if not governed by the cases stipulated in Article 74 and Article 92, is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in cases involving serious consequences is from 2 to 7 years in prison.

#### Article 223

The crime of unintentionally divulging work related secrets or causing the loss of a secret work document.

The penalty for anyone who unintentionally divulges work related secrets or causes the loss of a secret work document, thereby causing serious consequences, if not governed by the cases stipulated in Article 93, is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

#### Article 224

The crime of work related forgery.

1. The penalty for anyone who, in the performance of his task, alters or falsifies, for commercial gain or other personal motive, the contents of papers or other documents or makes or issues counterfeit papers is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 7 years in prison:

a) If it is committed by someone who is responsible for drawing up or issuing public papers;

b) If serious consequences result.

#### Article 225

The crime of dereliction of duty.

1. The penalty for any state personnel or personnel of a social organization who intentionally abandons his duty, thereby causing serious consequences, is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 7 years in prison:

a) If another person is drawn into committing the same crime;

b) If it is committed in time of war;

c) If especially serious consequences result.

#### Article 226

The crime of accepting a bribe.

1. The penalty for anyone who uses his public position or authority to take, or at some point in the future take, either directly or through an intermediary, money or material consideration of any form to perform a job that is part of his responsibility or to not do something that must be done is from 1 year to 7 years in prison.

The penalty for this crime in a case involving abuse of public position or authority for the purpose of performing an unauthorized act is from 2 to 10 years in prison.

2. The penalty for this crime in one of the following cases is from 5 to 15 years in prison:

- a) If it is organized;
- b) If extortion or guile are employed;
- c) If the value of the bribe is large;
- d) If serious consequences result;
- e) If it is committed many times;

3. The penalty for this crime in especially serious cases is from 12 to 20 years in prison or life in prison.

#### Article 227

The crime of offering a bribe and the crime of acting as an intermediary in a bribe.

1. The penalty for anyone who offers a bribe or acts as an intermediary in a bribe is from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 15 years in prison:

- a) If it is organized;
- b) If guile is employed;
- c) If the value of the bribe is large;
- d) If serious consequences result;
- e) If it is committed many times.

3. The penalty for this crime in especially serious cases is from 12 to 20 years in prison or life in prison.

4. Anyone who is forced to commit bribery but takes the initiative and confesses to this crime before it is discovered will be considered to have not

committed a crime and will be returned all the property used to make the bribe.

Anyone who, although not forced to, commits bribery but takes the initiative and confesses to this crime before it is discovered may have criminal liability waived and be returned a portion or all of the property used to make the bribe.

#### Article 228

The crime of using influence upon a person who serves a public duty or is in a position of authority for personal gain:

1. The penalty for anyone who, either directly or through an intermediary, accepts money or any other material consideration with the intent to use his influence to cause a person who serves a public duty or is in a position of authority to do or not do something that is part of his responsibility or something that is not permitted, is from 1 year to 5 years in prison.

2. The penalty for this crime in serious cases is from 3 to 10 years in prison.

#### Article 229

Supplemental penalties.

1. Anyone who commits one of the crimes stipulated in this chapter may be prohibited from holding certain public positions for a period of 2 to 5 years.

2. Anyone who commits one of the crimes stipulated in Articles 226, 227 and 228 may be fined up to five times the value of the bribe; anyone who commits one of the crimes stipulated in paragraph 3 of Articles 226 and 227 may also have part or all of his property confiscated.

### Chapter X

#### The Crimes Against Judicial Activity

#### Article 230

The definition of crimes against judicial activity.

The crimes against judicial activity are actions that are violations of the proper functioning of investigative, control, trial or penal agencies in protecting the rights of the state, social organizations or a citizen.

#### Article 231

The crime of conducting an investigation of criminal liability against an innocent person.



1. The penalty for any procurator or investigator who knowingly conducts an investigation of criminal liability against an innocent person is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 7 years in prison:

a) If an investigation of criminal liability is conducted concerning an especially dangerous crime against national security;

b) If serious consequences result.

#### Article 232

The crime of issuing an illegal judgement or decision.

1. The penalty for any people's judge or assessor who intentionally issues an illegal judgement or decision is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

2. The penalty for this crime in cases involving serious consequences is from 2 to 7 years in prison.

#### Article 233

The crime of forcing judicial personnel to commit an illegal act.

The penalty for anyone who uses his public position or authority to force investigation, prosecution, trial or penal enforcement personnel to commit an act that is a serious violation of the law is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

#### Article 234

The crime of using corporal punishment.

1. The penalty for anyone who uses corporal punishment in a judicial activity is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

2. The penalty for this crime in cases involving serious consequences is from 2 to 7 years in prison.

#### Article 235

The crime of forcing a person to make a false statement.

1. The penalty for anyone conducting an investigation who uses illegal means to force a person being questioned to make a statement that is not true, thereby causing serious consequences to the resolution of the case, is

reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime in cases involving especially serious consequences is from 1 year to 5 years in prison.

#### Article 236

The crime of tampering with court records.

1. The penalty for any investigator, procurator, judge, people's assessor, other legal personnel, lawyer or defender who amends, deletes from, alters, destroys or intentionally damages documents or material evidence of a court trial with the intent to tamper with court records is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

2. The penalty for this crime in cases involving serious consequences is from 2 to 7 years in prison.

#### Article 237

The crime of allowing a detainee to escape through negligence.

1. The penalty for anyone who directly manages, guards or escorts someone who is being detained and allows that person to escape through negligence, thereby causing serious consequences, is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in cases in which a person who is being detained for a serious crime escapes or in cases that cause other especially serious consequences is from 2 to 7 years in prison.

#### Article 238

The crime of abusing one's public position or authority to illegally secure the release of a person being detained.

1. The penalty for anyone who abuses their public position or authority by issuing an order to illegally release or personally illegally releases a detainee is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

2. The penalty for anyone who illegally orders the release or releases a person who is being detained for a serious crime or causes other especially serious consequences is from 2 to 7 years in prison.

#### Article 239

The crime of abusing one's public position or authority to illegally detain a person.

1. The penalty for anyone who abuses his public position or authority by not issuing an order to release or not complying with an order to release a person upon the completion of his period of detention is reeducation without detention for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime in cases involving serious consequences is from 1 year to 5 years in prison.

#### Article 240

The crime of not complying with a judgement and the crime of obstructing enforcement of a judgement.

1. The penalty for anyone who intentionally fails to comply with legally binding judgements or decisions of the court even though the necessary compulsory measures have been taken is reeducation without detention for a period of up to 1 year or from 6 months to 3 years in prison.

2. The penalty for anyone who uses his public position or authority to intentionally obstruct enforcement of a judgement is from 6 months to 5 years in prison.

#### Article 241

The crime of supplying false documents or making false statements.

The penalty for any inspector, interpreter or witness who reaches a conclusion, renders an interpretation, makes a statement or supplies a document with the knowledge that it is false is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 242

The crime of refusing to make a statement or refusing to reach a conclusion.

The penalty for anyone who refuses to make or avoids making a statement or refuses to reach or avoids reaching a conclusion without a legitimate reason is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 1 year in prison.

#### Article 243

The crime of bribing or coercing another person into supplying a false document or making a false statement.

The penalty for anyone who bribes or coerces a witness or injured party into making a false statement or supplying a false document, an inspector who reaches a false conclusion or an interpreter who renders a distorted interpretation is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 244

The crime of violating a property seal or inventory list.

The penalty for anyone entrusted with the care of property of which inventory has been taken or sealed property who takes one of the following actions is reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison:

- a) Destroying a seal;
- b) Consuming, transferring, switching, concealing or destroying property on an inventory list.

#### Article 245

The crime of escaping from a place of detention.

1. The penalty for anyone who is being detained or escorted who escapes is from 6 months to 5 years in prison.
2. The penalty for this crime in one of the following cases is from 3 to 10 years in prison:
  - a) If it is organized;
  - b) If violent force is used against a guard or escort.

#### Article 246

The crime of concealing a crime.

1. The penalty for anyone who, without prior agreement, conceals one of the crimes stipulated in the following articles is reeducation without detention for a period of up to 2 years or from 6 months to 5 years in prison:

--Articles 72 to 85 on the especially dangerous crimes against national security; Article 87 (the crime of hijacking an airplane or ship); Article 94, Paragraph 2 (the crime of destroying important national security projects and property); Article 95, Paragraphs 2 and 3 (the crime of illegally manufacturing, storing, using, buying, selling or possessing military weapons or military technical equipment); Article 96, Paragraphs 2 and 3 (the crime of illegally manufacturing, storing, using, buying, selling or possessing explosives, flammable materials, poisonous substances or radioactive materials); Article 97, Paragraphs 2 and 3 (the crime of smuggling or illegally transporting goods or money across the border); Article 98 (the crime of counterfeiting money, storing or circulating counterfeit money or destroying currency);

--Article 101 (the crime of murder); Article 112, Paragraphs 2, 3 and 4 (the crime of rape); Article 115, Paragraph 2 (the crime of buying or selling a woman);

--Article 129 (the crime of robbery of socialist property); Article 132, Paragraphs 2 and 3 (the crime of theft of socialist property); Article 133, Paragraphs 2 and 3 (the crime of embezzling socialist property); Article 138, Paragraphs 2 and 3 (the crime of destroying or intentionally damaging socialist property);

--Article 149, Paragraph 2 (the crime of stealing, buying, selling or switching children);

--Article 151 (the crime of robbing a citizen of property); Article 152 (the crime of kidnapping with intent to take possession of the property of a citizen);

--Article 165, Paragraphs 2 and 3 (the crime of speculation); Article 166, Paragraphs 2 and 3 (the crime of trading in or storing contraband); Article 167, Paragraphs 2 and 3 (the crime of making or trading in fake goods); Article 172, Paragraphs 2 and 3 (the crime of misappropriating stamps and coupons and making or circulating fake stamps, coupons and papers used in distribution);

--Article 245, Paragraph 2 (the crime of escaping from a place of detention).

2. The penalty for this crime in cases involving the abuse of public position or authority is reeducation without detention for a period of up to 2 years or from 1 year to 7 years in prison.

#### Article 247

The crime of not reporting a crime.

1. The penalty for anyone who knows that one of the crimes stipulated in the following articles is about to be or has been committed but does not report this knowledge is a warning, reeducation without detention for a period of up to 1 year or from 3 months to 3 years in prison:

--Articles 72 to 85 on the especially dangerous crimes against national security; Article 87 (the crime of hijacking an airplane or ship); Article 94, Paragraph 2 (the crime of destroying important national security projects and property); Article 95, Paragraphs 2 and 3 (the crime of illegally manufacturing, storing, using, buying, selling or possessing military weapons or military technical equipment); Article 96, Paragraphs 2 and 3 (the crime of illegally manufacturing, storing, using, buying, selling or possessing explosives, flammable materials, poisonous substances or radioactive materials); Article 98 (the crime of counterfeiting money, the crime of storing or circulating counterfeit money and the crime of destroying currency);

--Article 101 (the crime of murder); Article 112, Paragraphs 2, 3 and 4 (the crime of rape);

--Article 129 (the crime of robbery of socialist property); Article 132, Paragraphs 2 and 3 (the crime of theft of socialist property); Article 133,



Paragraphs 2 and 3 (the crime of embezzling socialist property); Article 138, Paragraphs 2 and 3 (the crime of destroying or intentionally damaging socialist property);

--Article 151 (the crime of robbing a citizen of property); Article 152 (the crime of kidnapping with intent to take possession of property of a citizen);

--Article 165, Paragraphs 2 and 3 (the crime of speculation); Article 172, Paragraphs 2 and 3 (the crime of misappropriating stamps and coupons or making or circulating fake stamps, coupons and papers used in distribution);

--Article 245, Paragraph 2 (the crime of escaping from a place of detention).

2. For anyone who fails to report knowledge of a crime but takes action to prevent or limit the harm caused by a crime, criminal liability or criminal punishment may be waived.

#### Article 248

Supplemental penalties.

Anyone who commits one the crimes stipulated in Articles 231 to 242 will be prohibited from holding certain public positions for a period of 2 to 5 years.

### Chapter XI

#### The Crimes Against the Obligation and Responsibility of Military Personnel

#### Article 249

The persons who are subject to criminal liability for the crimes against the obligation and responsibility of military personnel.

The persons who are subject to criminal liability for crimes against the obligation and responsibility of military personnel are:

Active duty military personnel, reserve military personnel when assembled for training, civilians conscripted to serve in the army, the militia or the self-defense forces to coordinate with the army in combat related operations and other persons determined as belonging to the armed forces;

Persons who, although not included in the categories described above, are accomplices in crimes against the obligation and responsibility of military personnel.

#### Article 250

The crime of failing to obey an order.

1. The penalty for anyone who fails to obey an order of a direct commander or an authorized superior is from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 15 years in prison:

- a) If it is committed by a commander or officer;
- b) If another person is drawn into committing the same crime;
- c) If violent force is employed.
- d) If serious consequences result.

3. The penalty for this crime in combat, in an area in which fighting is occurring or if especially serious consequences result is from 12 to 20 years in prison, life in prison or the death penalty.

#### Article 251

The crime of failing to fully comply with an order.

1. The penalty for anyone who carries out an order in a lackadaisical, dilatory or arbitrary manner, thereby causing serious consequences, is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in combat, in an area in which fighting is occurring or in cases that cause especially serious consequences is from 2 to 10 years in prison.

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#### Article 252

The crime of impeding another member of one's unit from fulfilling his obligation or responsibility.

1. The penalty for anyone who impedes another member of his unit from fulfilling his obligation or responsibility is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 10 years in prison:

- a) If another person is drawn into committing the same crime;
- b) If violent force is employed;
- c) If serious consequences result.

3. The penalty for this crime in combat, in an area in which fighting is occurring or if especially serious consequences result is from 7 to 15 years in prison.

#### Article 253

The crime of humiliating or assaulting a commander or superior.

1. The penalty for anyone who, in a work relationship, seriously offends the dignity or honor of or assaults a commander or superior is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in combat or if serious consequences result is from 2 to 10 years in prison.

#### Article 254

The crime of humiliating or using corporal punishment against a subordinate.

1. The penalty for any commander or superior who, in a work relationship, seriously offends the dignity or honor of or uses corporal punishment against a subordinate is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime in cases in which serious consequences result is from 1 year to 7 years in prison.

#### Article 255

The crime of humiliating or assaulting another member of one's unit.

1. The penalty for anyone who seriously offends the dignity or honor of or assaults another member of his unit, if the relationship between them is not a commander-subordinate relationship, is a warning, reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime in cases in which serious consequences result is from 1 year to 5 years in prison.

#### Article 256

The crime of surrendering to the enemy.

1. The penalty for anyone who surrenders to the enemy during combat is from 5 to 15 years in prison.

2. The penalty for this crime in one of the following cases is from 12 to 20 years in prison, life in prison or the death penalty:

a) If it is committed by a commander or officer;

- b) If weapons, military technical equipment or important documents are turned over to the enemy;
- c) If another person is drawn into committing the same crime;
- d) If serious consequences result.

#### Article 257

The crime of giving information to or performing voluntary services for the enemy during captivity as a prisoner of war.

1. The penalty for anyone who, during captivity as a prisoner of war, gives military secrets to or voluntarily performs services for the enemy is from 1 year to 7 years in prison.

2. The penalty for this crime in one of the following cases is from 5 to 20 years in prison:

- a) If it is committed by a commander or officer;
- b) If the information provided causes serious consequences;
- c) If it involves the cruel treatment of another prisoner of war.

#### Article 258

The crime of deserting one's combat position.

1. The penalty for anyone who, during combat, abandons his combat position or does not perform his duty is from 5 to 12 years in prison.

2. The penalty for this crime in one of the following cases is from 10 to 20 years in prison, life in prison or the death penalty:

- a) If it is committed by a commander or officer;
- b) If weapons, military technical equipment or important documents are abandoned;
- c) If another person is drawn into committing the same crime;
- d) If serious consequences result.

#### Article 259

The crime of desertion.

1. The penalty for anyone who deserts the army with the intent to evade military duty is reeducation within a disciplinary unit of the army for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 10 years in prison:

- a) If it is committed by a commander or officer;
- b) If another person is drawn into committing the same crime;
- c) If weapons, military technical equipment or important documents are taken or thrown away during the act of desertion.

#### Article 260

The crime of evading duty.

1. The penalty for anyone who intentionally inflicts self-injury, intentionally causes harm to his own health or uses other means of deceit to evade duty is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 10 years in prison:

- a) If it is committed by a commander or officer;
- b) If another person is drawn into committing the same crime;
- c) If it is committed during combat or in an area in which fighting is occurring;
- d) If serious consequences result.

#### Article 261

The crime of being absent without leave.

1. The penalty for anyone who leaves their unit without permission or fails to report to his unit at the prescribed time and who has been the subject of disciplinary action but commits this crime again is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 262

The crime of intentionally divulging a military secret and the crime of taking, buying, selling or destroying a secret military document.

1. The penalty for anyone who intentionally divulges a military secret or takes, buys, sells or destroys a secret military document, if not governed by



the cases stipulated in Article 74 and Article 92, is from 6 months to 5 years in prison.

2. The penalty for this crime in cases that cause serious consequences is from 3 to 10 years in prison.

#### Article 263

The crime of unintentionally divulging a military secret and the crime of causing the loss of a secret military document.

1. The penalty for anyone who unintentionally divulges a military secret or causes the loss of a secret military document, if not governed by the cases stipulated in Article 93, is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 2 years in prison.

2. The penalty for this crime in cases that cause serious consequences is from 1 year to 5 years in prison.

#### Article 264

The crime of intentionally submitting a false report.

1. The penalty for anyone who intentionally submits a false report, thereby causing serious consequences, is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in cases that cause especially serious consequences is from 2 to 7 years in prison.

#### Article 265

The crime of violating the regulations on combat alert duty, command duty watch or duty watch.

1. The penalty for anyone who fails to fully comply with the regulations on combat alert duty, command duty watch or duty watch, thereby causing serious consequences, is reeducation within a disciplinary unit of the army for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime during combat or in cases that cause especially serious consequences is from 3 to 10 years in prison.

#### Article 266

The crime of violating security regulations.

1. The penalty for anyone who fails to fully comply with the regulations on patrols, guard duty, escort duty or bodyguard duty, thereby causing serious consequences, is reeducation within a disciplinary unit of the army for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime during combat or in cases that cause especially serious consequences is from 3 to 10 years in prison.

#### Article 267

The crime of violating safety regulations in combat or in training.

1. The penalty for anyone who fails to fully comply with combat or training safety regulations, thereby causing serious consequences, is reeducation within a disciplinary unit of the army for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime in cases that cause especially serious consequences is from 3 to 10 years in prison.

#### Article 268

The crime of violating the regulations on the use of weapons.

1. The penalty for anyone who uses a weapon or explosives in a manner that does not comply with regulations, thereby causing serious consequences, is reeducation within a disciplinary unit of the army for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime when committed in an area in which fighting is occurring or if especially serious consequences result is from 3 to 10 years in prison.

#### Article 269

The crime of destroying weapons or military technical equipment.

1. The penalty for anyone who destroys a weapon or piece of military technical equipment, if not governed by the cases stipulated in Articles 79 and 94, is from 2 to 12 years in prison.

2. The penalty for this crime if it is committed during combat or in an area in which fighting is occurring or if especially serious consequences result is from 10 to 20 years in prison, life in prison or the death penalty:

#### Article 270

The crime of causing the loss of or unintentionally damaging weapons or military technical equipment.

1. The penalty for anyone who has been assigned the responsibility of managing or has been equipped with a weapon or piece of military technical equipment but who causes it to be lost or unintentionally causes it to be damaged, thereby causing serious consequences, is reeducation within a disciplinary unit of the army for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime if especially serious consequences result is from 3 to 10 years in prison.

#### Article 271

The crime of violating the policy concerning soldiers killed and wounded during combat.

1. The penalty for anyone who has a responsibility for but intentionally leaves a wounded or killed soldier behind on the battlefield or fails to care for or give medical treatment to a wounded soldier, thereby causing serious consequences, is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 3 years in prison.

The penalty for this crime in cases that cause especially serious consequences is from 2 to 7 years in prison.

2. The penalty for anyone who takes personal belongings from a wounded soldier or personal effects from a dead soldier is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 3 years in prison.

#### Article 272

The crime of taking or destroying war booty.

1. The penalty for anyone who, during combat or while cleaning up a battlefield, takes or destroys war booty is reeducation within a disciplinary unit of the army for a period of up to 2 years or from 6 months to 5 years in prison.

2. The penalty for this crime in one of the following cases is from 3 to 10 years in prison:

- a) If it is committed by a commander or officer;
- b) If the value of the war booty taken or destroyed is large;
- c) If it is committed many times;
- d) If especially serious consequences result.

#### Article 273

The crime of harassing the people.

1. The penalty for anyone who commits an act of harassment, thereby harming the people or causing a loss of the unity between the army and civilians, is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in one of the following cases is from 2 to 7 years in prison:

- a) If it is committed by a commander or officer;
- b) If another person is drawn into committing the same crime;
- c) If it is committed in an area where fighting is occurring or an area in which a curfew order has been issued;
- d) If serious consequences result.

#### Article 274

The crime of exceeding military need while performing a mission.

1. The penalty for anyone who, while performing a mission, goes beyond the limit of military need, thereby causing serious damage to property of the state, a social organization or a citizen, is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 3 years in prison.

2. The penalty for this crime in cases that cause especially serious consequences is from 2 to 7 years in prison.

#### Article 275

The crime of maltreating a prisoner of war or a soldier who has surrendered.

The penalty for anyone who maltreats a prisoner of war or a soldier who has surrendered is reeducation within a disciplinary unit of the army for a period of up to 1 year or from 3 months to 2 years in prison.

#### Article 276

Supplemental penalties.

Anyone who commits one of the crimes stipulated in Articles 250 to 252, 256 to 260, 262 or 269 may be stripped of military rank.

### Chapter XII

The Crime of Undermining Peace, Crimes Against Humanity and War Crimes

#### Article 277

The crime of undermining peace and provoking a war of aggression.

The penalty for anyone who advocates through propaganda or provokes a war of aggression or prepares for, wages or participates in a war of aggression with the intent to oppose the independence, sovereignty and territorial integrity

of another country is from 10 to 20 years in prison, life in prison or the death penalty.

#### Article 278

Crimes against humanity.

The penalty for anyone who, during peace time or war time, commits an act that results in the mass annihilation of the population of an area, destroys sources of life, sabotages the cultural and spiritual life of a country or upsets the foundations of a society with the intent to undermine that society or commits other acts of genocide or acts that cause destruction to life or the natural environment is from 10 to 20 years in prison, life in prison or the death penalty.

#### Article 279

War crimes.

The penalty for anyone who, during war time, issues an order to carry out or personally carries out the murder of innocent civilians, wounded persons or prisoners of war, the plundering of property, the ravaging of population centers or the use of prohibited means or methods of war as well as other acts that seriously violate international law as specified in the conventions to which Vietnam is a signatory or which Vietnam recognizes is from 10 to 20 years in prison, life in prison or the death penalty.

#### Article 280

The crimes of recruiting mercenaries and serving as a mercenary.

1. The penalty for anyone who recruits, trains or uses mercenaries with the intent to oppose a fraternal socialist country, a country friendly to Vietnam or a national liberation movement is from 10 to 20 years in prison, life in prison or the death penalty.

2. The penalty for anyone who serves as a mercenary is from 5 to 15 years in prison.

This code was ratified by the 9th Session of the 7th National Assembly of the Socialist Republic of Vietnam on 27 June 1985.

Chairman of the National Assembly  
Nguyen Huu Tho

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CSO: 4209/581

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**DATE FILMED**

September 16, 1985

